1907

INDEX

TO

Punjab Government Gazette

FOR HALF YEAR ENDING

30th June 1907.

PART II.

PAGES.

A.

B.

C.

Public Works Department, Irrigation Branch—Part II.

Names.	Reversions.	Postings and appointments.	Leave.	Transfers.	Promotions.	Passed examinations.	Cancellations.	Reduction of rank.	Dismissals, removals, resignation or retirements.	Confirmation of retirement or officiating in higher appointments.	Taking and giving over charge and leaving and joining divisions.	Services replaced at the disposal of the Punjab Government.
B.												
Bellasis, Mr. E. S., Superintending Engineer.	...	...	...	...	53	...	...	...	...	...	...	...
Bennett, Mr. W. E. T., Superintending Engineer.	...	...	...	...	53	...	...	...	...	...	...	...
Bigsby, Mr. S. H., Assistant Engineer ...	...	18	...	...	...	...	...	...	...	...	...	...
Brownlie, Mr. T. A. M., Covenanted Engineer.	...	...	...	193	...	...	...	...	...	...	...	...
C.												
Croad, Mr. A., Assistant Engineer ...	...	18	...	...	...	...	...	...	...	...	...	...
D.												
Davis, Mr. J. G., Superintending Engineer	150	150	...	...	53	...	53	...	...	...	...	...
F.												
Farquharson, Mr. F. A., Assistant Engineer	...	18	...	...	...	...	...	...	...	...	...	...
Farrant, Mr. J. T., Superintending Engineer.	...	...	...	...	53	...	...	...	...	...	...	...

Public Works Department, Buildings and Roads Branch—Part II.

NAMES	Reversions	Postings and appointments.	Leave.	Transfers.	Promotions.	Passed Examinations.	Resignations.	Cancelments.	Reductions of rank.	Dismissals, removals or retirements.	Confirmations of etirements or officiating in higher appointment.	Taking and giving over charge, and leaving and joining divisions, &c.	Services placed at disposal of the Military or any other department.
B.													
Bagley, W. A., Superintending Engineer	53	...	...	...	...	...	...	...	...	...	...	...	...
Barratt, C. H., Superintending Engineer	...	...	...	...	53	...	...	...	...	...	...	...	...
Britts, W. J., Deputy Examiner of Accounts.	17	...	...	87	45, 94	...	...	...	...	...	...	...	...
Butterfield, W. R., Examiner of Accounts	37	...	...	...	23, 94	...	...	...	...	...	...	...	...
D.													
Deane, L. S., Deputy Examiner of Accounts	...	...	...	...	187	...	...	...	...	...	...	...	...
M.													
Maclagan, Lieut.-Colonel R. S., R. E. ...	...	...	...	...	31, 53	...	...	...	...	...	31	...	...
P.													
Powell Major, S. H., R. E. ...	...	...	...	...	...	...	...	...	...	...	...	...	30
S.													
Scott, W. H., Examiner of Accounts ...	...	...	...	186	...	...	...	...	...	...	...	...	...
T.													
Tomkins, S. C., Examiner of Accounts...	...	...	...	88	...	...	...	...	...	...	...	...	...

Punjab Government Press, Lahore—18-10-07—792.

INDEX

TO

Punjab Government Gazette

FOR HALF YEAR ENDING

31st December 1907.

PART II.

A.

B.

C.

D.

E.

L.

M.

N.

O.

P.

V.

W.

Public Works Department, Irrigation Branch—Part II.

Name.	Reversions.	Postings and appointments.	Leave.	Transfers.	Promotions	Passed Examinations.	Cancellations.	Reduction of rank.	Dismissals, removals, resignations or retirements.	Confirmation of retirement or officiating in higher appointments.	Taking and giving over charge and leaving and joining divisions.	Services replaced at the disposal of the Punjab Government.
B.												
Bellasis, Mr. E. S., Superintending Engineer.	303, 304	...	...	...	303, 304	...	...	...	...	...	...	...
Bird, Mr. W. J. A., Superintending Engineer.	...	...	...	...	303, 304	...	...	...	...	...	...	...
C.												
Cocheme, Mr. A. E., Executive Engineer	...	...	...	...	...	...	...	...	360	...	...	...
D.												
Davis, Mr. J. G., Superintending Engineer	...	...	...	...	304	...	...	...	...	...	...	...
F.												
Frost, Mr. H. F. B., Superintending Engineer.	...	...	...	...	304	...	...	...	...	...	...	...
Farrant, Mr. J. T., Superintending Engineer.	...	...	...	360	...	...	...	...	...	...	...	...
G.												
Gordon, Mr. W. B., Superintending Engineer.	...	...	...	...	303	...	...	...	...	226	...	...
Gwyther, Mr. F. E., Superintending Engineer.	...	...	...	...	304	...	...	...	...	...	...	...

PUBLIC WORKS DEPARTMENT, IRRIGATION BRANCH—PART II—CONCLUDED.

NAME.	Reversions.	Postings and appointments.	Leave.	Transfers.	Promotions.	Passed Examinations.	Cancellations.	Reduction of rank.	Dismissals, removals, resignations or retirements.	Confirmation of retirement or officiating in higher appointments.	Taking and giving over charge and leaving and joining divisions.	Services replaced at the disposal of the Punjab Government.
M.												
Mulholland, Mr. W., Assistant Engineer	...	...	...	...	...	...	...	...	317	...	...	...
P.												
Purves, Mr. R. E., Executive Engineer...	...	...	...	...	...	...	...	...	...	356	...	...
W.												
Ward, Mr. T. R. J., Executive Engineer	...	...	...	...	...	...	...	...	...	226	...	...
Wright, Mr. C. G., temporary Covenanted Engineer.	...	317	...	317	...	...	...	...	...	...	...	...
Wadley, Mr. A. J., Executive Engineer	...	...	...	...	...	...	...	...	...	355	...	...

Miscellaneous Notification.

Public Works Department, Buildings and Roads Branch—Part II.

NAMES.	Reversions.	Postings and appointments.	Leave.	Transfers.	Promotions.	Passed examinations.	Resignations.	Cancelments.	Reductions of rank.	Dismissals, removals or retirements.	Confirmation of retirements or officiating in higher appointments.	Taking and giving over charge, and leaving and joining divisions, &c.	Services placed at disposal of the Military or any other department.
B.													
Bagley, W. A., Superintending Engineer.	...	...	...	...	303	...	...	...	...	...	...	...	...
D.													
Deane, L. S., Deputy Examiner of Accounts.	...	...	...	...	346, 347	...	...	...	...	...	...	...	...
Dennys, E. A., Examiner of Accounts.	...	...	302	...	...	...	...	...	...	...	...	...	...
E.													
Eicke, F. W., Honorary Assistant Examiner.	...	...	...	...	287	...	...	...	...	...	...	...	...
Ewing, S. R., Honorary Assistant Examiner.	...	321	...	...	...	...	...	...	...	...	...	...	...
F.													
Farrant, J. T., Superintending Engineer.	...	360	...	...	...	...	...	...	...	...	...	...	...

G.													
Gobind Ram, Honorary Assistant Examiner.	...	321	...	...	...	...	...	...	...	...	...	...	...
Goument, C. E. V., Superintending Engineer.	...	339	...	...	304	...	...	...	...	...	...	...	...
M.													
Maclagan, Lieutenant-Colonel R. S., R. E., Superintending Engineer.	...	...	...	...	304	...	...	...	...	...	...	...	...
S.													
Sanders, H. C., Offg. Superintending Engineer.	304	...	...	...	...	...	...	...	...	...	...	...	...
Scott, W. H., Examiner of Accounts.	...	...	...	...	211	...	...	...	...	...	...	...	...
Smithe, E. Ducane, Chief Engineer.	...	...	...	339	...	...	...	...	...	...	...	...	...

NOTIFICATIONS BY GOVERNMENT OF INDIA, PUBLIC WORKS DEPARTMENT—PART II.

Punjab Government Press, Lahore—8-4-08—792.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, JANUARY 3, 1907.

PART II

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED DECEMBER 22, 1906.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATIONS.

CUSTOMS.

Calcutta, the 22nd December 1906.

No. 10123—30.—In exercise of the powers conferred by sections 22 and 23 of the Sea Customs Act, 1878 (VIII of 1878), in modification of the tariff values fixed by the Indian Tariff Act, 1894 (VIII of 1894), as amended by the Indian Tariff Act (1894) Amendment Act, 1896 (III of 1896), and as further altered from time to time by notifications of the Governor General in Council, the Governor General in Council is pleased to fix, with effect from the 1st January 1907, for the articles specified in column 2 of the Schedule hereto annexed, the tariff values stated in column 4 of the said Schedule.

Provided that nothing in this notification shall affect any additional duty imposed under the powers conferred by sections 8A and 8B of the Indian Tariff Act, 1894 (VIII of 1894), as amended by the Indian Tariff Act Amendment Act, 1899 (XIV of 1899), the Indian Tariff (Amendment) Act, 1902 (VIII of 1902), the Indian Tariff (Amendment) Act, 1903 (XII of 1903), and the Indian Tariff (Amendment) Act, 1904 (XI of 1904).

SCHEDULE IV.—(IMPORT TARIFF.)

GENERAL DUTIES.

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
			Rs. A.	
	Animals, living.			
1	HORSES, CATTLE, SHEEP, and all other living animals of all kinds	...	...	Free.
	Articles of Food and Drink.			
2	COFFEE	cwt	35 0	Five per cent.
3	FRUITS AND VEGETABLES (except fresh fruits and vegetables not separately enumerated, which are free)—			
	Almonds without shell	,,	50 0	,,
	,, in the shell	,,	15 0	,,
	,, (kágazi)	,,	40 0	,,
	Cashew or cajoo kernels	,,	19 0	,,
	Cocoanuts, Straits	thousand	60 0	,,
	,, other	,,	40 0	,,
	,, kernel (khopra)	cwt	15 0	,,
	Currants, in cases	,,	20 0	,,
	,, in cans	,,	26 0	,,
	,, other	,,	14 0	,,
	Dates, dry, in bags	,,	7 8	,,
	,, wet ,, baskets and bundles	,,	5 0	,,
	,, ,, in pots, boxes, tins and crates	,,	9 0	,,
	Figs, Persian, dried	,,	12 0	,,
	Garlic	,,	6 0	,,
	Hops	...	...	Free.
	Pistachio nuts	cwt	30 0	Five per cent.
	Prunes, Bussora (álu-Bokhara)	,,	35 0	,,
	Raisins, black	,,	10 0	,,
	,, kishmish, Persian Gulf	,,	16 0	,,
	,, Munakka, ,, ,, ...	,,	9 8	,,
	,, other sorts	...	*ad valorem*	,,
	Walnuts, Persian	cwt	9 8	,,
	All other sorts of fruits and vegetables	...	*ad valorem*	,,
4	GRAIN AND PULSE, including broken grain and pulse, but not including flour	...	...	Free.
5	MINERAL AND AËRATED WATERS, and all unfermented and non-alcoholic beverages	...	*ad valorem*	Five per cent.
6	PROVISIONS, OILMAN'S STORES, AND GROCERIES—			
	Bacon	...	,,	,,
	Beef and Pork	...	,,	,,
	Biche de mer	...	,,	,,
	Butter	lb	1 4	,,
	Cheese	...	*ad valorem*	,,
	China preserves in syrup	box of six jars	4 12	,,
	,, ,, dry, candied	lb	0 4½	,,
	Cocum	cwt	4 8	,,
	Fish-maws	...	...	Free.
	Flour	...	*ad valorem*	Five per cent.
	Ghi	cwt	53 0	,,
	Margarine	lb	1 4	,,
	Pork hams	...	*ad valorem*	,,
	Sago	cwt	10 0	,,
	Shark-fins	...	...	Free.
	Singally and sozille	...	...	,,
	Tapioca	cwt	11 8	Five per cent.
	Vinegar, in casks	...	*ad valorem*	Two and one half per cent.
	,, not in casks— Persian	Imperial gallon.	1 8	Five per cent.
	Indian	,,	0 6	,,
	All other sorts of provisions, oilman's stores, and groceries ...	...	*ad valorem*	,,
7	SPICES—			
	Betelnuts, raw, whole or split, from Goa	cwt	17 0	,,
	,, ,, ,, ,, Ceylon	,,	15 0	,,
	,, ,, ,, ,, Straits	,,	10 0	,,
	,, —all other sorts	...	*ad valorem*	,,
	Chillies, dry	cwt	16 0	,,
	Cloves	,,	40 0	,,
	,, stems and heads	,,	7 8	,,
	,, in seeds, narlavang	,,	11 0	,,
	Ginger, dry	,,	15 0	,,
	Mace	lb	1 0	,,

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

GENERAL DUTIES—*contd.*

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
	Articles of Food and Drink—*contd.*		Rs. A.	
7	SPICES—*contd.*			
	Nutmegs	lb	0 5	Five per cent.
	„ in shell	„	0 4	„
	Pepper, black	cwt	35 0	„
	„ white	„	55 0	„
	All other sorts of spices	...	*ad valorem*	„
8	SUGAR, China, candy	cwt	23 4	„
	„ loaf (excluding cube and chopped)	„	14 0	„
	„ crystallised, beet	„	9 0	„
	„ „ and soft (other than beet) refined in the United Kingdom	„	9 0	„
	„ „ „ „ refined in China	„	11 0	„
	„ „ „ „ from Egypt	„	9 2	„
	„ „ „ „ white from Java above 20 Dutch standard	„	9 0	„
	„ „ „ „ from Java, 16 to 20 Dutch standard	„	7 8	„
	„ „ „ „ „ 15 Dutch standard and under	...	*ad valorem*	„
	„ „ „ „ from Mauritius	cwt	8 14	„
	Molasses	„	2 12	„
	Sugar, all other sorts, including saccharine produce of all kinds and confectionery	...	*ad valorem*	„
9	TEA, black	lb	0 10	„
	„ green	„	0 12	„
	Chemicals, Drugs, Medicines, and Narcotics, and Dyeing and Tanning Materials.			
10	CHEMICAL PRODUCTS AND PREPARATIONS—			
	Acid, sulphuric	„	0 1⅓	„
	Alkali, Indian (sajji-khar)	cwt	2 4	„
	Alum	„	4 8	„
	Arsenic (other than European)	„	23 0	„
	„ (China mansil)	„	21 0	„
	„ other sorts	...	*ad valorem*	„
	Bicarbonate of soda	cwt	6 0	„
	Copperas, green...	...	*ad valorem*	Two and one half per cent.
	Explosives, namely, blasting gelatine, dynamite, roburite, tonite, and all other descriptions, including detonators and blasting fuse	...	„	Five per cent.
	Sal ammoniac	cwt	32 0	„
	Sulphate of copper	„	20 0	„
	Sulphur (brimstone), flour	„	5 12	„
	„ („), roll	„	5 4	„
	„ („), rough...	„	4 12	„
	All other sorts of chemical products and preparations, including saltpetre, borax, grape sugar, and glucose, but excluding nitrate of soda, muriate of potash, sulphate of ammonia, sulphate of potash, and kainit salts, which are free ...	...	*ad valorem*	„
11	DRUGS, MEDICINES, AND NARCOTICS—			
	Aloes, black	cwt	19 0	„
	„ Socotra	„	15 8	„
	Aloe-wood	lb	6 0	„
	Anti-plague serum	...	...	Free
	Asafœtida (hing)	cwt	80 0	Five per cent.
	„ coarse (hingra)	„	22 0	„
	Atáry, Persian	„	15 0	„
	Bánslochan (bamboo camphor)	lb	0 5	„
	Brimstone (amalsára)	cwt	16 0	„
	Calumba root	„	9 0	„
	Camphor, refined, cake	lb	3 0	„
	„ partially refined, cake, in blocks of about 13lb ...	„	2 4	„
	„ crude, in powder	„	1 12	„
	Cassia lignea	cwt	29 0	„
	China root (chobchini), rough	„	10 0	„
	„ „ („), scraped	„	20 0	„
	Cocaine	...	*ad valorem*	„
	Cubebs	cwt	27 0	„
	Galangal, China	„	4 8	„
	Pellitory (akalkara)	...	*ad valorem*	„
	Peppermint crystals	...	„	„
	Quinine and other alkaloids of chinchona	...	...	Free.
	Salep	cwt	125 0	Five per cent.
	Senna leaves	„	5 0	„
	Storax, liquid (rose melloes or salaras)	„	33 0	„
	Tobacco, unmanufactured	...	...	Free.
	„ manufactured	...	*ad valorem*	Five per cent.
	All other sorts of drugs, medicines, and narcotics, except opium (for which see Schedule III)	...	„	„
12	DYEING AND TANNING MATERIALS—			
	Alizarine dye, dry, 40 per cent.	lb	1 4¼	„
	„ „ „ 50 „	„	1 8½	„

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

GENERAL DUTIES—*contd.*

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
	Chemicals, Drugs, Medicines, and Narcotics, and Dyeing and Tanning Materials—*contd.*		Rs. A.	
12	DYEING AND TANNING MATERIALS—*contd.*			
	Alizarine dye, dry, 60 per cent.	℔	1 12	Five per cent.
	" " " 70 "	"	2 $0\frac{1}{4}$	"
	" " " 80 "	"	2 $4\frac{1}{4}$	"
	" " " 100 "	"	2 12	"
	" " moist, 10 "	"	0 $4\frac{3}{4}$	"
	" " " 16 "	"	0 7	"
	" " " 20 "	"	0 8	"
	Aniline " " indigo, blue	"	0 $6\frac{1}{2}$	"
	" " dry	"	1 0	"
	" salts	...	*ad valorem*	"
	Avar bark	cwt	4 0	"
	Buzgand (gulpista)	"	35 0	"
	Cochineal	℔	1 8	"
	Gallnuts (myrabolams)	...	*ad valorem*	"
	" Persian	cwt	46 0	"
	Madder or manjit	"	11 0	"
	Orchilla weed	"	3 8	"
	Sappan wood and root	...	*ad valorem*	"
	Turmeric	...	"	"
	All other sorts of dyeing and tanning materials	...	"	"
	Metals and Manufactures of Metals.			
13	HARDWARE AND CUTLERY, including ironmongery and plated-ware, and also including machines, tools and implements to be worked by manual or animal labour. [*Exceptions, which are free* : (i) Water-lifts, sugar-mills, oil-presses, and parts thereof, and any other machines and parts of machines ordinarily used in processes of husbandry, or for the preparation for use or for sale of the products of husbandry, which the Governor General in Council may, by notification in the *Gazette of India*, exempt ; (ii) the following agricultural implements, when constructed so that they can be worked by manual or animal power, namely, winnowers, threshers, mowing and reaping machines, elevators, seed-crushers, chaff-cutters, root-cutters, horse and bullock gears, ploughs, cultivators, scarifiers, harrows, clod-crushers, seed-drills, hay-tedders, and rakes ; (iii) the following dairy appliances, when constructed so that they can be worked by manual or animal power, namely, cream separators, milk sterilising or pasteurizing plant, milk aërating and cooling apparatus, churns, butter dryers and butter workers ; (iv) the following articles used in the manufacture of cotton, namely, bobbins (warping), forks for looms, healds, heald cords, heald knitting needles, laces, lags and needles for dobbies, pickers (buffalo and others), picking bands, picking levers, picking sticks (over and under), reed pliers, reeds, shuttles (for power looms), springs for looms, strappings, and weft forks ; (v) box backs and swells and rough unshaped bobbin ends, when imported by or on behalf of a manufacturer or mill-owner, and certified by him to be intended exclusively for use in his mill]	...	"	"
14	MACHINERY, namely, prime-movers and component parts thereof, including boilers and component parts thereof ; also including locomotive and portable engines, steam rollers, fire-engines, and other machines in which the prime-mover is not separable from the operative parts ... ... " (and component parts thereof), meaning machines or sets of machines to be worked by electric, steam, water, fire or other power not being manual or animal labour, or which before being brought into use require to be fixed with reference to other moving parts ; and including belting of all materials for driving machinery. Provided that the term does not include tools and implements to be worked by manual or animal labour, and provided also that only such articles shall be admitted as component parts of machinery as are indispensable for the working of the machinery and are, owing to their shape or to other special quality, not adapted for any other purpose. *Note.*—Machinery and component parts thereof made of substances other than metal are included in this entry.	...	...	Free.
15	METALS, unwrought and wrought, and articles made of metals—			
	Brass, orsidue and leaves, European	...	*ad valorem*	Five per cent.
	" " " China	...	"	"

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

GENERAL DUTIES—*contd.*

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
	Metals and Manufactures of Metals—*contd.*		Rs. A.	
15	METALS, unwrought and wrought, and articles made of metals—*contd.*			
	Brass, patent or yellow metal, sheathing, sheets, braziers, and plates	cwt	62 0	Five per cent.
	,, patent or yellow metal (old)	,,	45 0	,,
	,, sheets, flat or in rolls, very thin	,,	160 0	,,
	,, wire	...	*ad valorem*	,,
	,, all other sorts	...	,,	,,
	Copper, bolt and bar, rolled	...	,,	,,
	,, braziers, sheets, plates and sheathing	cwt	75 0	,,
	,, nails and composition nails	...	*ad valorem*	,,
	,, old	cwt	60 0	,,
	,, pigs, tiles, ingots, cakes, bricks, and slabs	,,	72 0	,,
	,, China, white, copperware	lb	1 2	,,
	,, foil or dankpana, white, 10 to 11 in. × 4 to 5 in.	hundred leaves	1 14	,,
	,, ,, ,, coloured, 10 to 11 in. × 4 to 5 in.	,,	2 0	,,
	,, wire, including phosphor bronze	...	*ad valorem*	,,
	,, all other sorts, unmanufactured and manufactured, except current coin of the Government of India, which is free	...	,,	,,
	German silver	...	,,	,,
	Gold bullion and coin	...	...	Free.
	Gold leaf	...	*ad valorem*	Five per cent.
	Iron, anchors and cables	...	,,	One per cent.
	,, Lowmoor and similar qualities, all descriptions	...	,,	,,
	,, angle, T, other than Lowmoor or Swedish	ton	105 0	,,
	,, ,, T, other than Lowmoor or Swedish, if galvanised, tinned, or lead-coated	...	*ad valorem*	,,
	,, bar	...	,,	,,
	,, ,, Swedish and similar qualities	ton	155 0	,,
	,, ,, ,, ,, ,, ,, nail-rod, round-rod, and square, under half an inch in diameter	,,	160 0	,,
	,, ,, other kinds	,,	105 0	,,
	,, ,, ,, ,, nail-rod, round-rod, and square, under half an inch in diameter	,,	110 0	,,
	,, ,, ,, ,, if galvanised, tinned, or lead-coated	...	*ad valorem*	,,
	,, beams, joists, pillars, girders, bridge-work, and other such descriptions of iron, imported exclusively for building purposes	...	,,	,,
	,, channel, including channel for carriages	...	,,	,,
	,, plate and sheet, Swedish and charcoal	...	,,	,,
	,, bars, plates, and sheets, Swedish and charcoal, if galvanised, tinned, or lead-coated	...	,,	,,
	,, plate, other kinds, above $\frac{1}{8}$ inch thick, and strips	ton	110 0	,,
	,, sheets, ,, ,, up to ,, ,, ,,	,,	120 0	,,
	,, sheets (other than corrugated), plates, or strips other kinds, if galvanised, tinned, lead-coated, or planished	...	*ad valorem*	,,
	,, sheets, corrugated, galvanised, or black	ton	195 0	,,
	,, hoop	,,	120 0	,,
	,, nails, rose, wire, and flat-headed	cwt	9 0	,,
	,, ,, other kinds, including galvanised, tinned, or lead-coated	...	*ad valorem*	,,
	,, nuts and bolts, also hooks and nuts for roofing, galvanised or black	...	,,	,,
	,, old	cwt	2 0	,,
	,, pig	...	*ad valorem*	,,
	,, pipes and tubes, including fittings therefor, such as bends, boots, elbows, tees, sockets, flanges, and the like	...	,,	,,
	,, rails, chairs, sleepers, and fishplates, other than those described in No. 60, also spikes (commonly known as dog spikes), switches, crossings, lever boxes, clips, and tie-bars	...	,,	,,
	,, rice-bowls	...	,,	,,
	,, ridging, guttering, and continuous roofing	...	,,	,,
	,, rivets and washers, all sorts	...	,,	,,
	,, wire, including fencing wire and wire rope, but excluding wire netting	...	,,	,,
	,, cans, tinned, when imported containing petroleum, which is separately assessed to duty at one anna per Imperial gallon under No. 16	can	0 3	Five per cent.
	,, all other sorts, including discs or circles and wire-netting	...	*ad valorem*	,,

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

GENERAL DUTIES—*contd.*

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
	Metals and Manufactures of Metals—*contd.*		Rs. A.	
15	METALS, unwrought and wrought, and articles made of metals—*concld.*			
	Lametta	...	*ad valorem*	Five per cent.
	Lead, all sorts (except sheets for tea-chests, which are free) ...	...	,,	,,
	Quicksilver	lb	1 9	,,
	Shot, bird	cwt	16 0	,,
	Silver bullion or coin, except current coin of the Government of India, which is free	...	*ad valorem*	,, One per cent.
	Steel, anchors and cables	...	,,	
	,, blooms	...	,,	,,
	,, angle, T	ton	105 0	,,
	,, ,, ,, and hoop, if galvanised, tinned, or lead-coated	...	*ad valorem*	,,
	,, bars (other than cast steel)	ton	105 0	,,
	,, ,, Swedish	...	*ad valorem*	,,
	,, ,, nail-rod, round-rod, and square, under ½ inch in diameter	ton	110 0	,,
	,, bar, galvanised, tinned, lead-coated, planished or polished	...	*ad valorem*	,,
	,, channel, including channel for carriages	...	,,	,,
	,, plates above ⅛ inch thick, and strips	ton	110 0	,,
	,, sheets up to ⅛ ,, ,, ...	,,	120 0	,,
	,, sheets (other than corrugated), plates, or strips, if galvanised, tinned, lead-coated, or planished ...	...	*ad valorem*	,,
	,, sheets, corrugated, galvanised or black	ton	195 0	,,
	,, hoop	,,	140 0	,,
	,, nails	...	*ad valorem*	,,
	,, nuts and bolts, also hooks and nuts for roofing, galvanised or black	...	,,	,,
	,, old	ton	130 0	,,
	,, beams, joists, pillars, girders, bridge-work and other such descriptions of steel, imported exclusively for building purposes	...	*ad valorem*	,,
	,, cast and blistered, including spring and tub steel ...	...	,,	,,
	,, ridging, guttering, and continuous roofing	...	,,	,,
	,, pipes and tubes, including fittings therefor, such as bends, boots, elbows, tees, sockets, flanges, and the like	...	,,	,,
	,, rails, chairs, sleepers, and fishplates, other than those described in No. 60, also spikes (commonly known as dog spikes), switches, crossings, lever-boxes, clips, and tie-bars	...	,,	,,
	,, rivets and washers, all sorts	...	,,	,,
	,, wire, including fencing wire and wire rope, but excluding wire-netting	...	,,	,,
	,, cans, tinned, when imported containing petroleum, which is separately assessed to duty at one anna per Imperial gallon under No. 16	can	0 3	Five per cent.
	,, all other sorts, including discs or circles and wire-netting	...	*ad valorem*	,,
	Tin, block	cwt	165 0	,,
	,, foil, and other sorts	...	*ad valorem*	,,
	Zinc or spelter, nails	...	,,	,,
	,, ,, tiles or slabs, soft	cwt	25 0	,,
	,, ,, ,, ,, hard	,,	21 0	,,
	,, ,, all other sorts, including boiler tiles ...	...	*ad valorem*	,,
	All other sorts of metals	...	,,	,,
	Oils.			
16	PETROLEUM, including also naphtha and the liquids commonly known by the names of rock-oil, Rangoon oil, Burma oil, kerosene, paraffin oil, mineral oil, petroline, gasoline, benzol, benzoline, benzine, and any inflammable liquid which is made from petroleum, coal, schist, shale, peat or any other bituminous substance, or from any products of petroleum ...	Imperial gallon	...	One anna.
	,, which has its flashing point at or above two hundred degrees of Fahrenheit's thermometer and is proved to the satisfaction of the Customs Collector to be intended for use exclusively for the batching of jute or other fibre, or for lubricating purposes ...	...	*ad valorem*	Five per cent.

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

GENERAL DUTIES—*contd.*

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
	Oils—*contd.*		Rs. A.	
16	PETROLEUM which has its flashing point at or above one hundred and fifty degrees of Fahrenheit's thermometer and is proved to the satisfaction of the Customs Collector to be intended for use exclusively as fuel ...	...	*ad valorem*	Five per cent.
	Cocoanut-oil	cwt	25 0	"
	All other sorts of oil, animal or vegetable (including otto of all kinds), and mineral, including paraffin wax	...	*ad valorem*	"
	Other Articles, unmanufactured and manufactured.			
17	APPAREL, including drapery, haberdashery, and millinery, and military and other uniforms and accoutrements; but excluding cotton-hosiery (for which see No. 30) and boots and shoes (for which see No. 45) and excluding also uniforms, and accoutrements appertaining thereto, imported by a public servant for his personal use, which are free	...	"	"
18	ART, WORKS OF, except (1) statuary and pictures intended to be put up for the public benefit in a public place, and (2) memorials of a public character intended to be put up in a public place, including the materials used, or to be used, in their construction, whether worked or not, which are free ...	...	"	"
19	BAMBOOS, common, grass, hay, rushes, straw, and leaves ...	...	...	Free.
20	BOOKS, printed, including covers for printed books, maps, charts and plans, proofs, music, and manuscripts	...	...	"
21	BRISTLES AND FIBRE, for brushes and brooms	...	...	"
22	BRUSHES AND BROOMS, all sorts	...	*ad valorem*	Five per cent.
23	BUILDING AND ENGINEERING MATERIALS, namely, asphalt, bricks and tiles, cement of all kinds, fire-clay, earthenware piping, lime, and other kinds not otherwise described	...	"	"
24	CABINET-WARE AND FURNITURE	...	"	"
25	CARRIAGES AND CARTS, including motor cars, bicycles, tricycles, jinrikshas, bath chairs, perambulators, trucks, wheelbarrows, and all other sorts of conveyances, and component parts thereof, but excluding motor cars, designed to carry goods and containing a prime-mover, which are free	...	"	"
26	CHINESE AND JAPANESE-WARE, including lacquered-ware, but excluding earthenware, china, and porcelain (for which see No. 32)	...	"	"
27	CLOCKS, WATCHES, and other time-keepers, and parts thereof ...	...	"	"
28	COAL, COKE AND PATENT FUEL	...	...	Free.
29	CORDAGE, Rope and Twine made of any vegetable fibre ...	...	*ad valorem*	Five per cent.
30	COTTON, AND ARTICLES MADE OF COTTON—			
	Cotton, raw	...	...	Free.
	" twist and yarn	...	...	"
	" sewing thread	...	...	"
	" piece-goods, hosiery, and all other manufactured cotton goods not otherwise described	...	*ad valorem*	Three and one half per cent.
31	EARTH, COMMON CLAY, AND SAND	...	...	Free.
32	EARTHENWARE (except earthenware piping, for which see No. 23), china, china clay, porcelain, and imitation or false coral ...	...	*ad valorem*	Five per cent.
33	FANS OF ALL KINDS, except common palm-leaf fans, which are free	...	"	"
34	FIREWORKS, all sorts, including fulminating-powder	...	"	"
35	FLAX, AND ARTICLES MADE OF FLAX, including linen-thread ...	...	"	"
36	FURNITURE, TACKLE, AND APPAREL, not otherwise described, for steam, sailing, rowing, and other vessels	...	"	"

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

GENERAL DUTIES—*contd.*

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
			Rs. A.	
	Other Articles, unmanufactured and manufactured—*contd.*			
37	GUMS, GUM-RESINS, and articles made of gum or gum-resin—			
	Copal	...	*ad valorem*	Five per cent.
	Cutch and gambier	cwt	20 0	,,
	Gamboge	℔	2 0	,,
	Gum Ammoniac	cwt	16 0	,,
	,, Arabic	,,	14 0	,,
	,, Bdellium	...	*ad valorem*	,,
	,, Benjamin, ras	cwt	20 0	,,
	,, ,, cowrie	,,	75 0	,,
	,, Bysabol (coarse myrrh)	,,	28 0	,,
	,, Olibanum or frankincense	...	...	Free.
	,, Persian (false)	cwt	12 0	Five per cent.
	Myrrh	,,	55 0	,,
	Rosin	,,	9 0	,,
	All other sorts of gums, gum-resins, and articles made of gum or gum-resin, including caoutchouc and gutta-percha ...	...	*ad valorem*	,,
38	HEMP, including Manila hemp, and articles made therefrom ...	...	,,	
39	HIDES AND SKINS (except raw or salted hides and skins, which are free), including parchment and vellum, gold-beaters' skins, and all other descriptions of hides or skins	...	,,	,,
40	HORN	...	...	Free.
	,, articles made of, not otherwise described	...	*ad valorem*	Five per cent.
41	INSTRUMENTS, APPARATUS, AND APPLIANCES, and parts thereof—Computing, Dental, Distilling, Diving, Drawing, Educational, Electric, Electric lighting, Galvanic, Measuring, Musical, Optical, Philosophical, Phonographic, Photographic (including materials for Photography), Scientific, Surgical, Surveying, Telegraphic, Telephonic, Typewriters, and all other sorts except Telegraphic instruments and apparatus, and parts thereof, when imported by or under the orders of a railway company, and any instruments, apparatus, and appliances when imported by a passenger as part of his personal baggage and in actual use by him in the exercise of his profession or calling, which are free. Military band instruments (other than stringed instruments), imported by a regiment of His Majesty's regular forces serving in India, and certified by the officer commanding the regiment to be for the *bonâ fide* exclusive use of the regimental band, and the following accessories thereto, are also free of duty :— Silver buckles for drums. Silver buttons for drums. Green broadcloth for drums. Green silk ribbon for drums. Ropes for drums. Bags for bagpipes. Cord for bagpipes. Drones for bagpipes. Ribbons for bagpipes. Pipe tassels for bagpipes. Cardholders. Carriages (brown or black). Crooks. Cases (leather or wooden). Fingertops. Mouthpieces and caps therefor. Reeds. Springs. Snares. Valve tops and needles.	...	,,	,,
42	IVORY AND IVORY-WARE—			
	Unmanufactured—			
	Elephants' grinders			
	,, tusks (other than hollows, centres, and points) each exceeding 20℔ in weight, and hollows, centres, and points each weighing 10℔ and over	cwt	350 0	,,
	Elephants' tusks (other than hollows, centres, and points) not less than 10℔ and not exceeding 20℔ each, and hollows, centres and points each weighing less than 10℔	,,	800 0	,,
	Elephants' tusks, each less than 10℔ (other than hollows, centres, and points)	,,	680 0	,,
	Sea-cow or moye teeth, each not less than 4℔	,,	525 0	,,
	,, ,, ,, ,, 3℔ and under 4℔ ...	,,	200 0	,,
	,, ,, ,, less than 3℔	,,	185 0	,,
	All other sorts, manufactured and unmanufactured	,,	135 0	,,
43	JEWELLERY AND JEWELS, including plate and other manufactures of gold and silver—	...	*ad valorem*	,,
	Silver-ware, plain ... } other than European	tola	1 0	,,
	,, embossed or chased ... } other than European	,,	1 4	,,
	All other sorts, except precious stones and pearls, unset, which are free	...	*ad valorem*	,,

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

GENERAL DUTIES—*contd.*

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
	Other Articles, unmanufactured and manufactured—*contd.*		R. A.	
44	JUTE, raw	...	...	Free.
	" articles made of, except second-hand or used gunny bags, which are free	...	*ad valorem*	Five per cent.
45	LEATHER, and articles made of leather, including boots and shoes, harness and saddlery, except saddlery of a military pattern imported by an officer of His Majesty's regular forces and forming part of the equipment with which he is required to supply himself under Army Regulations, which is free ...	...	"	"
46	MALT	...	"	"
47	MANURES of all kinds, including animal bones	...	...	Free.
48	OILCAKE, also bran, fodder, and cattle-food of all kinds ...	...	...	"
49	OIL-CLOTH AND FLOOR-CLOTH, including lincrusta, linoleum, and tarpaulins	...	*ad valorem*	Five per cent.
50	PAINTS, COLOURS, PAINTERS' MATERIALS, and compositions for application to leather, wood, and metals—			
	Lead, red, dry	cwt	16 8	"
	" white, dry	"	17 8	"
	Ochre, other than European, all colours	"	2 12	"
	Paints composition	...	*ad valorem*	"
	" patent driers	...	"	"
	Turpentine	Imperial gallon.	3 4	"
	Verdigris	...	*ad valorem*	"
	Vermilion, Canton	box of 90 bundles	100 0	"
	Zinc, white, dry	...	*ad valorem*	"
	All other sorts, including glue and putty	...	"	"
51	PAPER, PASTEBOARD, MILLBOARD, AND CARDBOARD of all kinds, including ruled or printed forms and account and manuscript books, labels, advertising circulars, sheet or card almanacs and calendars, Christmas, Easter, and other cards, including cards in booklet form, including also waste paper and old newspapers for packing, but excluding trade catalogues and advertising circulars imported by packet, book or parcel post, which are free	...	"	"
	" articles made of paper and papier-mâché	...	"	"
52	PERFUMERY—			
	Gowla, husked and unhusked...	cwt	40 0	"
	Kapurkachri (zedoary)	"	17 8	"
	Patch leaves (patchouli)	"	14 0	"
	Rose-flowers, dried	"	17 0	"
	Rose-water	Imperial gallon	2 0	"
	All other sorts, except perfumed spirit (for which see Schedule III)	...	*ad valorem*	"
53	PITCH, TAR, AND DAMMER—			
	Bitumen	...	"	"
	Dammer	cwt	5 0	"
	Pitch, American and European	...	*ad valorem*	"
	" coal	cwt	3 8	"
	Tar, American and European...	"	6 8	"
	" coal	"	4 0	"
	" mineral	...	*ad valorem*	"
54	PLANTS AND BULBS, living, also dried for herbaria	...	...	Free.
55	PRECIOUS STONES AND PEARLS, unset (including the stones generically known as Cambay stones, such as agates, cornelians, and onyx)	...	...	"
56	PULP of wood, straw, rags, paper, and other materials ...	...	...	"

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

GENERAL DUTIES—*contd.*

No	Names of Articles.	Per	Tariff Valuation.	Duty.
			R. A.	
	Other Articles, unmanufactured and manufactured—*contd.*			
57	PRINTING AND LITHOGRAPHING MATERIAL, namely, presses, type, ink, brass rules, composing sticks, chases, imposing tables, and lithographic stones, stereo-blocks, roller moulds, roller frames and stocks roller composition, standing screw and hot presses, perforating machines, gold blocking presses, stereotyping apparatus, metal furniture, paper folding machines and paging and numbering machines, but not including paper	...	...	Free.
58	RAGS	...	...	"
59	RACKS for the withering of tea leaf	...	...	"
60	RAILWAY MATERIAL for permanent way and rolling stock, namely, cylinders, girders and other material for bridges, rails, sleepers, bearing and fish-plates, fish-bolts, chairs, spikes, crossings, sleeper fastenings, switches, interlocking apparatus, brake gear, couplings and springs, signals, turn-tables, weigh-bridges, engines, tenders, carriages, wagons, traversers, trollies, trucks, and component parts thereof; also the following articles when imported by or under the orders of a railway company, namely, cranes, water cranes, water tanks, and stand rods, wire and other materials for fencing; Provided that for the purpose of this exemption "railway" means a line of railway subject to the provisions of the Indian Railways Act, 1890, and includes a railway constructed in a Native State, under the suzerainty of His Majesty, and also such tramways as the Governor General in Council may, by notification in the *Gazette of India*, specifically include therein ..	...	...	"
61	SEEDS—			
	Castor	cwt	6 8	Five per cent.
	Cummin	"	14 8	"
	" black	...	*ad valorem*	"
	Linseed	cwt	7 4	"
	Methi	"	5 0	"
	Mustard, rape or sarson	"	9 0	"
	Poppy	"	8 0	"
	Quince, bihidana	"	75 0	"
	Til or jinjili	"	8 8	"
	All other sorts	...	*ad valorem*	"
62	SHELLS AND COWRIES—			
	Chanks—large shells, for cameos	...	"	"
	" white, live	...	"	"
	" " dead	...	"	"
	Cowras	...	"	"
	Cowries, bazar, common	cwt	3 12	"
	" yellow, superior quality	"	5 0	"
	" Maldive	"	5 8	"
	" Sankhla	"	55 0	"
	Mother-of-pearl, nacre	...	...	Free.
	Nakhla	cwt	100 0	Five per cent.
	Tortoise-shell	lb	11 0	"
	" nakh	"	4 8	"
	All other sorts, including articles made of shell, not otherwise described	...	*ad valorem*	"
63	SHIPS AND OTHER VESSELS for inland and harbour navigation, including steamers, launches, boats, and barges, imported entire or in sections	...	...	Free.
64	SILK AND ARTICLES MADE OF SILK—			
	Bokhara	lb	9 0	Five per cent.
	Floss	...	*ad valorem*	"
	Piece-goods	...	"	"
	Sewing thread, China	...	"	"
	Raw silk—Chaharam, Cochin-China, and yellow Shanghai Mathow	lb	5 4	"
	Other kinds of China	"	3 4	"
	Waste and Kachra	"	7 4	"
	Panjam	...	*ad valorem*	"
	Persian	lb	2 6	"
	Siam	"	5 0	"
	All other sorts, including cocoons	"	2 0	"
		...	*ad valorem*	"

SCHEDULE IV.—(IMPORT TARIFF)—*concld.*

GENERAL DUTIES—*concld.*

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
	Other Articles, unmanufactured and manufactured—*concld.*		Rs. A.	
65	SOAP	...	*ad valorem*	Five per cent.
66	SPECIMENS ILLUSTRATIVE OF NATURAL SCIENCE, including also antique coins and medals	...	...	Free.
67	STATIONERY, excluding paper (for which see No. 51)	...	*ad valorem*	Five per cent.
68	STONE AND MARBLE, and articles made of stone and marble ...	...	"	"
69	TALLOW AND GREASE, including stearine	...	"	"
70	TEA CHESTS of metal or wood, whether imported entire or in sections, provided that the Customs Collector is satisfied that they are imported for the purpose of the packing of tea for transport in bulk	...	...	Five
71	TEXTILE FABRICS not otherwise described	...	*ad valorem*	Five per cent.
72	TOILET REQUISITES not otherwise described	...	"	"
73	TOYS, including toy-books, and requisites for all games ...	...	"	"
74	UMBRELLAS, parasols, and sunshades of all kinds	...	"	"
75	WALKING STICKS and sticks for umbrellas, parasols, and sunshades, of all kinds, mounted and unmounted, driving, riding, and other whips, fishing rods and lines	...	"	"
76	WOOD AND TIMBER (except fire-wood, which is free), and articles made of wood not otherwise described	...	"	"
77	WOOL, raw	...	...	Free.
	" articles made of, including felt	...	*ad valorem*	Five per cent.
78	ALL OTHER ARTICLES, manufactured or unmanufactured, not described in this Schedule	...	"	"

COTTON DUTIES.

The 21st December 1906.

No. 10098—11.—In exercise of the power conferred by section 7 (1) of the Cotton Duties Act, 1896 (II of 1896), and in supersession of the Notifications in this Department, No. 7514, dated the 15th December 1905, and No 4870—4, dated the 19th June 1906, the Governor General in Council is pleased to fix for the descriptions of cotton goods hereunder specified, tariff values as follows, with effect from the 1st January 1907:—

Grey goods, plain or bordered.

		Tariff value per lb.
		A. P.
1.	Bedcovers, bedsheets and chadars, twilled, not having borders over ½"	8 6
2.	Chadars and bedsheets, plain, or with borders not over ¼"	8 6
3.	Dangari or Khadi cloth	7 0
4.	Dhuties, cholas, dupattas, and lungis, plain, or with borders not over ¼"	9 3
5.	Dhuties, cholas, dupattas, and lungis, plain, or with borders over ¼" but not over 1½"	9 6
6.	Dhuties and patals with headings over 4" wide and coloured borders	9 9
7.	Domestics, T. cloths, shirtings, longcloth, sheetings not having borders over ¼"	8 6
8.	Drills and jeans, plain	8 6

Grey goods, plain or bordered—concld.

	Tariff value per lb. A. P.
9. Fents	7 3
10. Printers	8 9
11. Printers (bhagavad)	8 3
12. Shirtings, twilled, unbleached	10 0
13. " " bleached	11 0
14. Tent, sail, commissariat, and double threaded cloth (dosuti)	8 0
15. Zanzibar cloth	8 6

Provided that for calendered grey goods 3 pies shall be added to the above values.

Figured or coloured goods.

	Tariff value per lb. A. P.
16. Bedcovers, quilts, and table-cloths, with borders not over ½″	8 9
17. Bedcovers, quilts, table-cloths, twilled sheets and chadars, coloured warp or weft	9 3
18. Bedcovers, quilts, table-cloths, twilled sheets and chadars, coloured warp and weft	10 6
19. Ordinary susi checksheets, grey ground	10 6
20. Bed ticking, plain or drilled	9 0
21. Chadars, twilled, coloured (shawl checks)	11 0
22. " not twilled, coloured, calico wove, shawl pattern	10 3
23. Cholis and saris (coloured)	12 0
24. Cotton tweed, commonly called hunting cloth, plain or striped, including leheria, Thana susi, Thana twill, and Thana check	10 0
25. Other cotton tweeds and English checks, trouserings, and coatings	11 3
26. Drills and jeans, striped	9 0
27. " " " checked	9 6
28. " " " dyed	12 0
29. Tent cloth, blue and red	9 3
30. " " khaki	10 3
31. Fents	8 6
32. Lungis, unbleached, coloured stripes and borders ...	8 9
33. Lungis, coloured	11 0
34. Napkins, unbleached	9 6
35. " bleached	10 6
36. Susi, ordinary, coloured stripes, grey ground	9 6
37. " " " weft	10 0
38. Ordinary susi checks, gey ground	10 9
39. " " " coloured warp and weft... ...	11 3
40. Fancy dobby pattern checks, coloured warp and weft ...	11 3
41. Flannel pattern susi and dobby susi, grey weft ...	9 9
42. " " " " " " coloured weft ...	10 6

Figured or coloured goods—concld.

		Tarif value per lb. A. P.
43.	English susi check, grey ground	11 0
44.	Check gumchas and glass checks	11 6
45.	Towels, Turkish, unbleached	10 6
46.	" " bleached	11 6
47.	" " honeycomb, unbleached	9 0
48.	" " " bleached	10 0
49.	Zephyr cloth	9 9
50.	" striped and checked	11 3

Provided that any goods specified in the foregoing lists shall, when woven with borders of silk, be assessed to duty *ad valorem*.

W. L. HARVEY,

Secretary to the Government of India.

FROM THE GAZETTE OF INDIA, DATED DECEMBER 29, 1906.

ARMY DEPARTMENT.

Fort William, the 28th December 1906.

APPOINTMENTS.

CANTONMENT MAGISTRATE'S DEPARTMENT.

No. 707.—The services of Captain W. C. Anderson, 73rd Carnatic Infantry, are placed at the disposal of the Punjab Government for employment as an Officiating Assistant Cantonment Magistrate.

LANGUAGES.

No 709.—With the approval of the Right Honourable the Secretary of State for India, the Government of India sanction the institution of a new literary examination in Urdu, intermediate between the higher standard, and the high proficiency tests, to be called the 'Proficiency' examination.

Despatch from Secretary of State for India, No. 32 Public, dated 9th March 1906.

The following rules for the examination of military officers are published for general information. They will have effect from the 1st July 1907 :—

I. The examination will be open to officers who can, under the existing regulations, appear at the high proficiency examination in Urdu.

II. A reward of Rs. 750 will be granted to successful candidates.

III. No officer will be permitted to appear more than three times as a candidate at the examination.

IV. No officer will be eligible for the reward unless he passes the examination before the completion of ten years, counted from the date of his first arrival in India. No exception to this rule will be made on account of leave or any other cause.

V. The examination will be held quarterly on the first Monday in January, April, July and October of each year, by the Boards of Examiners at Calcutta and Madras and the Civil and Military Examination Committee at Bombay. Officers will be examined each in his own presidency; those serving in Burma will be examined in Madras.

VI. Officers desirous of attending the examination must submit their applications, to reach the Brigade or Divisional Office by the 1st and the Secretary of Board of Examiners by the 15th of the preceding month.

VII. The examin ation will be of a searching nature, the tests, both oral and written, must be performed with such excellence as to indicate rea proficiency.

VIII. To qualify as proficient, candidates must obtain not less than 35 per cen of marks in each subject and 60 per cent. in the aggregate.

IX. The following are the subjects of examination :—

	Marks.
(a) Written translation from English into Urdu ...	100
(b) Written translation into English of passages from the prescribed text book (Kalam-i-Urdu) ...	100

NOTE.—The text book is obtainable either from the Office of the Board of Examiners or from Messrs. Thacker Spink & Co., Calcutta.

	Marks.
(c) An easy paper in Grammar	100
(d) Reading and translating in Urdu manuscript of moderate difficulty	100
(e) Conversation, including a paper of short idiomatic sentences in English to be translated into Urdu orally at sight	200

A. H. BINGLEY. *Lieut.-Col.*,

Offg. Secretary to the Government of India.

POSTAL NOTICE.

POSTAL ARRANGEMENTS FOR TROOPS ATTENDING THE AMIR'S CONCENTRATION.

The following Notice is issued as to the conditions under which postal articles may be sent to and from the camp post offices opened to serve the troops during the Concentration at Agra in January 1907.

ARTICLES FOR CAMP POST OFFICES.

Mode of addressing postal articles.

Articles posted for delivery from camp post offices should be addressed as follows :—

> X. Y.,
>
> (Regiment, Battery, Staff Appointment, Brigade or Department),
>
> *AMIR'S CONCENTRATION.*

No post-town should be added to the address, and special care should be taken to specify clearly in each case the Regiment, Battery, Staff Appointment, Brigade, or Department of the person addressed.

What may be sent.

All classes of postal articles (private and official), *viz.*, letters, postcards, newspapers, packets, and parcels, whether registered, unregistered, value-payable, or insured, may be posted for delivery from camp post offices. Money orders also may be sent, but no savings bank business will be transacted.

Delivery.

Unregistered articles of the letter mail will be delivered through orderlies. Registered articles of the letter mail and registered and unregistered parcels will also be delivered through orderlies in the absence of written instructions to the contrary from the addressees. The receipt of the orderly or other person to whom a registered article or parcel is delivered will be taken on the usual parcel receipt form. Intimation of the arrival of insured and value-payable articles and money orders will be given, through orderlies, to addressees and payees who are advised either to call at the camp post office concerned in person, or to authorise the orderlies, in writing, to take delivery of

these articles and to pay any postal charges that may be due on them, or to receive payment of money orders.

N.B.—Any person who does not wish his registered articles or parcels delivered through an orderly must give notice, in writing, to the camp post office by which he is served.

ARTICLES FROM CAMP POST OFFICES.

What may be sent.

All classes of postal articles (private and official) may be posted at camp post offices. Money orders also may be sent, but no savings bank business will be transacted.

Postage stamps.

Postage stamps (including postcards and embossed envelopes, other than one anna soldiers' envelopes), both ordinary and service, can be purchased at any camp post office.

CALCUTTA:
The 22nd December 1906.

C. STEWART-WILSON,
Director-General of the Post Offices of India.

Punjab Government Press, Lahore—3-1-07—790.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, JANUARY 10, 1907.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED DECEMBER 29, 1906.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Calcutta, the 27th December 1906.

No. 177.—The following promotions and reversions are ordered in the Superior Accounts Branch:—

Name.	From	To	Nature of promotion.	With effect from
* * *	* * *	* * *	* * *	* * *
Mr. H. H. D. Butterfield	Deputy Examiner, Class I, temporary rank.	Deputy Examiner, Class I.	Sub. *pro tem.* ...	4th November 1906.
* * *	* * *	* * *	* * *	* * *
Mr. W. J. Britts ...	Deputy Examiner, Class I, temporary rank.	Deputy Examiner, Class II, temporary rank.	Reversion ...	21st November 1906

L. M. JACOB,

Secretary to the Government of India.

FROM THE GAZETTE OF INDIA, DATED JANUARY 5, 1907.

HOME DEPARTMENT.

NOTIFICATIONS.

ESTABLISHMENTS.

Calcutta, the 4th January 1907.

No. 7.—The services of Major C. P. Thompson, I. A., are replaced at the disposal of the Government of the Punjab, with effect from the 7th November 1906.

SANITARY.

The 2nd January 1907.

No. 2.—In supersession of the Home Department Notification No. 2045, dated the 22nd November 1906, Captain L. P. Stephen, M.B., I.M.S., is appointed to officiate as Health Officer of Simla, during the absence on leave of Captain J. H. Murray, M.B., I M S., or until further orders, with effect from the date on which he assumes charge of his duties.

H. H. RISLEY,

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Calcutta, the 3rd January 1907.

No. 2.—The undermentioned passed students of the Royal Indian Engineering College, Cooper's Hill, have been appointed Assistant Engineers, 3rd grade, by His Majesty's Secretary of State for India, and are posted as follows :—

* * * * * *

To Punjab.

Irrigation Branch.

Mr. John Lewis Sale.
" Sydney Herbert Bigsby.
" Albert Croad.
" Francis Archibald Farquharson.
" John Hussey Sullivan.
" James Duncan Jackson.

* * * * * *

L. M. JACOB,

Secretary to the Government of India.

ORDER OF THE INDIAN EMPIRE.

NOTIFICATION.

Fort William, the 1st January 1907.

No. 1-*I. E.*

His Excellency the Grand Master of the Most Eminent Order of the Indian Empire is pleased to announce that His Majesty the KING, EMPEROR OF INDIA, has been graciously pleased to make the following promotions in and appointments to the said Order :

* * * * * *

To be Companions.

* * * * * *

Robert George Kennedy, Esquire, lately Chief Engineer and Secretary to the Government of the Punjab, Public Works Department, Irrigation Branch.

* * * * * *

Major Henry Thomas Pease, Principal, Veterinary College, Punjab, at present Officiating Inspector-General, Civil Veterinary Department.

* * * * * *

By Order of the Grand Master,

L. W. DANE,

Secretary to the Most Eminent Order of the Indian Empire.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Fort William, the 1st January 1907.

No. 2-*I. C.*

His Excellency the Viceroy and Governor-General is pleased to confer the title of Raja, as a personal distinction, upon—

* * * * * *

Kunwar Sir Harnam Singh Ahluwalia, K.C.I.E.

No. 4-*I. C.*

His Excellency the Viceroy and Governor-General is pleased to confer upon Pandit Banki Rai, of Delhi, the title of Mahamahopadhyaya, as a personal distinction.

No. 6-*I. C.*

His Excellency the Viceroy and Governor-General is pleased to confer the title of Khan Bahadur, as a personal distinction, upon—

* * * * * *

Yar Muhammad Khan, Malik of Kalabagh, Mianwali District.

* * * * * *

Resaldar Gulsher Khan, Native Officer, Jhelum Canal Colony Circle.

No. 7-*I. C.*

His Excellency the Viceroy and Governor-General is pleased to confer the title of Rai Bahadur, as a personal distinction, upon—

* * * * * *

Lala Mulraj, Extra Judicial Assistant Commissioner in the Punjab.

Lala Sheo Parshad, of Delhi.

* * * * * *

No. 9-*I. C.*

His Excellency the Viceroy and Governor-General is pleased to confer the title of Khan Sahib, as a personal distinction, upon—

* * * * * *

Fakir Saiyid Zaffar-ud-Din, Deputy Superintendent of Police, Punjab.

Chaudhri Waris Khan, of Rawalpindi.

* * * * * *

No. 10-*I. C.*

His Excellency the Viceroy and Governor-General is pleased to confer the title of Rai Sahib, as a personal distinction, upon—

* * * * * *

Lala Jai Ram Das, of Bhiwani, Hissar District.

* * * * * *

Lala Ganga Sahai, M.A., late Assistant Settlement Officer, Kurram, North-West Frontier Province.

* * * * * *

No. 12-*I. C.*

His Excellency the Viceroy and Governor-General is pleased to confer the title of Sardar Sahib, as a personal distinction, upon—

Bhai Balwant Singh, Public Works Department, Punjab.

Bhai Ram Singh, Vice-Principal, Mayo School of Art, Lahore.

L. W. DANE,

Secretary to the Government of India.

FINANCE DEPARTMENT.

NOTIFICATION.

SEPARATE REVENUE.

STAMPS.

Calcutta, the 2nd January 1907.

No. 10-*Exc.*—In exercise of the powers conferred by section 9, clause (*a*), of the Indian Stamp Act, 1899 (II of 1899), the Governor General in Council is pleased to r[illegible]it the duty chargeable under Article 40 of Schedule I of the said Act on mortgage deeds executed by an officer of the Government in Civil or Military employ for securing the repayment of an advance received by him from the Government for the purpose of constructing or purchasing a dwelling house for his own use.

J. S. MESTON,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATION.

CA BIDE.

Calcutta, the 4th January 1907.

No. 101—10.—In exercise of the powers conferred by section 22 of the Indian Petroleum Act, 1899 (VIII of 1899), the Governor General in Council is pleased to apply to Carbide of Calcium the provisions of sections 8 to 15, 17, 18, 23 and 24 of the said Act, and to prescribe that for the quantity of petroleum mentioned in section 11 of the same Act, such quantity or quantities of Carbide of Calcium shall be substituted as may be prescribed by the rules for the time being in force relating to the possession and transport of Carbide of Calcium.

Home Department Notification No. 1118, dated the 11th August 1899, is hereby cancelled.

W. L. HARVEY,

Secretary to the Government of India.

ARMY DEPARTMENT.

Fort William, the 4th January 1907.

VOLUNTEER CORPS.

PROMOTIONS.

North-Western Railway Volunteer Rifles.

No. 7.—Lieutenant Kenneth Macleay Kirkhope to be Captain, *vice* Millard, transferred to the supernumerary list. Dated 28th November 1906.

Second-Lieutenant Harold Linter Cole to be Lieutenant, *vice* Kirkhope, promoted Dated 28th November 1906.

A. H. BINGLEY, *Lieut.-Col.*,

Offg. Secretary to the Government of India.

FOSTAL NOTICE.

POSTAL ARRANGEMENTS OF CIVIL CAMPS AT AGRA ON THE OCCASION OF THE AMIR'S VISIT.

Special postal arrangements have been made for the civil camps to be formed at Agra on the occasion of the visit of His Highness the Amir of Afghanistan.

2. Articles intended for delivery at any of the civil camps should be addressed as follows:—

X. Y.,
(Designation, etc.,)
(Name of Camp)
AMIR'S CONCENTRATION.

The word "Agra" should not be added to the address.

CALCUTTA:
The 29th December 1906.

C. STEWART-WILSON,
Director-General of the Post Office of India.

[19-1.]

Punjab Government Press, Lahore—10-1-07—794.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, JANUARY 17, 1907.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED DECEMBER 29, 1906.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Calcutta, the 27th December 1906.

No. 177.—The following promotions and reversions are ordered in the Superior Accounts Branch:—

Name	From	To	Nature of promotion	With effect from
. . .	. . .	. . .	. . .	. . .
Mr. W. R. Butterfield ...	Deputy Examiner, Class I.	Examiner, Class IV, 3rd grade.	Sub. *pro tem* ...	9th November 1906.
. . .	. . .	. . .	. . .	. . .

L. M. JACOB,

Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," DATED JANUARY 12, 1907.

HOME DEPARTMENT.

NOTIFICATIONS.

PUBLIC.

Calcutta, the 4th January 1907.

No. 16.—The Gevernor General in Council directs that the following amendments shall be made in the rules regarding the use of uniform by officers in Civil employ, published with the notification of the Government of India in the Home Department, No. 111,

dated the 15th January 1904, as amended by notification No. 3926, dated the 8th December 1905 :—

(1) For rule IV the following shall be substituted :—

IV.—At Levées, Drawing Rooms and State ceremonials, officers of the Army in Civil employ, for whom no political or special uniform is prescribed, shall wear the uniform of the Corps or Department to which they belong; and, on all occasions on which military mess dress is worn by officers in Military employ, it may also be worn by Military officers in Civil employ. But when a Military officer is appointed substantively to any Civil office for which uniform is prescribed, he shall wear the uniform of that office.

(2) In clause 3 of Part I of the schedule to the rules the following shall be inserted between the entries 'Director-General of Telegraphs' and 'Commissioner, Northern India Salt Revenue,' namely :—

'Director of Railway Construction.'

ESTABLISHMENTS.

The 11th January 1907.

No. 54.—The services Mr. J. Wilson-Johnston, of the Indian Civil Service, are replaced at the disposal of the Government of the Punjab, with effect from the 29th November 1906.

ECCLESIASTICAL.

The 7th January 1907.

No. 7.—The following programme of the proposed visitation tour of the Most Reverend the Lord Bishop of Calcutta and Metropolitan in India and Ceylon is published for general information :—

Tour programme of the Metropolitan's visit to the Diocese of Lahore in 1907.

Stations.	Arrival.	Departure.	REMARKS.
Calcutta	...	Monday, 28th January.	
Dinapur	Tuesday, 29th January ...	Wednesday, 30th January.	
Delhi	Thursday, 31st January ...	Friday, 1st February.	
Amritsar	Saturday, 2nd February ...	Monday, 4th February ...	(Visiting Batala).
Lahore	Tuesday, 5th February ...	Friday, 8th February ...	(Visiting Bahrwal).
Peshawar	Saturday, 9th February ...	Sunday, 10th February.	
Calcutta	Wednesday, 13th February	...	

Urgent letters intended to reach the Metropolitan may be sent to the places printed in italics.

Matters of a routine nature requiring immediate attention should be addressed to the Reverend Canon Luckman, Officiating Archdeacon of Calcutta, and Bishop's Commissary.

(Sd.) JOHN GODBER,

Bishop's Chaplain.

The 10th January 1907.

No. 17.—The Reverend Thomas Harold Dixon has been appointed a chaplain on probation on the Bengal (Lahore) ecclesiastical establishment to fill an existing vacancy.

G. B. H. FELL,

for *Secretary to the Government of India.*

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATION.

POST OFFICE.

Calcutta, the 11th January 1907.

No. 374.—In exercise of the power conferred by sections 10 (1) and 36 (2) (*b*) of the Indian Post Office Act, 1898 (VI of 1898), the Governor-General in Council is pleased to direct that rules 3 and 41 of the rules published with the notification of the Government of India in the Department of Finance and Commerce, No 1429-C.S.R., dated the 30th March 1899, as amended by subsequent notifications in that Department and in the Department of Commerce and Industry, shall be further amended as indicated below :—

(*a*) In rule 3 substitute the following for the rates of postage under the heads *letters, postcards, printed papers (including newspapers and books), business papers (legal and commercial documents) and samples :*

(1) *For the United Kingdom and the following British Possessions and protectorates :—*

Ascension.

Australian Commonwealth.

Bahamas.

Barbados.

Bermuda.

British East Africa.

British Central Africa

British Guiana.

British Honduras.

Canada.

Cape Colony.

Cayman Islands.

Cyprus.

Falkland Islands.

Fiji Islands.

Gambia.

Gibraltar.

Gold Coast Colony.

Hong Kong (including the British Postal Agencies at Amoy, Canton, Chefoo Foochow, Hankow, Hoihow, Liu kung Tau Ningpo; Shanghai Swatow, and Tientsin in China).

Jamaica.

Johore.

Labuan.

Lagos.

Leeward Islands, namely—Antigua, St. Kitts, Navis, Dominica, Montserrat, and the Virgin Islands.

Malta.

Mauritius.

Malay States (Federated), namely—Perak, Selangor, Negri Sembilan, and Pahang.

Natal.

Newfoundland.

New Zealand.

Nigeria (Northern).

Nigeria (Southern).

North Borneo.

Orange River Colony.

St. Helena.

Sarawak.

Seychelles.

Sierra Leone.

Somaliland Protectorate.

Straits Settlements.

Tobago.

Transval.

Trinidad.

Turks Islands.

Uganda.

Windward Islands, namely—Grenada, the Grenadines, St. Lucia and Zanzibar.

(2) *For Egypt (including the Soudan)—*

For a letter not exceeding half an ounce in weight	One anna.
For every additional half ounce or part of that weight	One anna.

For any other part of the world served by the Foreign Post with the exception of Ceylon and Portuguese India—

For a letter not exceeding half an ounce in weight	Two and a half annas.
For every additional half ounce or part of that weight	Two and a half annas.
For Ceylon	Indian inland rates.
For Portuguese India...	Indian inland rates.

POSTCARDS.

For any part of the world served by the Foreign Post with the exception of Ceylon and Portuguese India—

For a single postcard	One anna.
For a reply postcard	Two annas.
For Ceylon	Indian inland rates.
For Portuguese India	Indian inland rates.

PRINTED PAPERS (INCLUDING NEWSPAPERS AND BOOKS).

For any part of the world served by the Foreign Post with the exception of Ceylon and Portuguese India—

For a packet not exceeding two ounces in weight	Half an anna.
For every additional two ounces or part of that weight	Half an anna.
For Ceylon	Indian inland rates.
For Portuguese India	Indian inland rates.

BUSINESS PAPERS (LEGAL ADD COMMERCIAL DOCUMENTS).

For any part of the world served by the Foreign Post with the exception of Ceylon and Portuguese India—

For a packet not exceeding ten ounces in weight ...	Two and a half annas.
For every additional two ounces or part of that weight	Half an anna.
For Ceylon	Indian inland rates.
For Portuguese India	Indian inland rates.

SAMPLES.

For any part of the world served by the Foreign Post with the exception of Ceylon and Portuguese India—

For a packet not exceeding four ounces in weight ...	One anna.
For every additional two ounces or part of that weight	Half an anna.
For Ceylon	Indian inland rates.
For Portuguese India	Indian inland rates.

(*b*) Substitute the following new rule for rule 41 :—

41. (*1*) The sender of a registered article addressed to any country belonging to the Universal Postal Union shall be entitled to obtain an acknowledgment of its delivery by paying a fee, in addition to the postage and registration fee, of one anna in the case of a registered article addressed to Ceylon or Portuguese India, and of two annas in the case of a registered article addressed to any other such country.

(*2*) When the sender of a registered article addressed to any country belonging to the Universal Postal Union has not paid the fee for an acknowledgment of its delivery and desires to have an enquiry made by the Post Office regarding the disposal of the article, he shall be entitled to this service on payment of the same fee as that chargeable for an acknowledgment of delivery.

W. L. HARVEY,

Secretary to the Government of India.

ARMY DEPARTMENT.

Fort William, the 11th January 1907.

LONDON GAZETTE.

No. 11.—The following extract is published for general information :—

" *London Gazette,*" *dated* 14*th December* 1906, *pages* 8811, 8812 *and* 8813.

* * * * * *

India Office,

14*th December* 1906.

The King has approved of the following promotions among officers of the Indian Army, Indian Medical Service, Indian Subordinate Medical Department, and Indian Army Departments, and admissions to the Indian Army made by the Government of India :—

INDIAN ARMY.

Captains to be Majors.

Dated 19th September 1906.

Bertram Clarke Waterfield, Supernumerary list.

* * * * * *

INDIAN SUBORDINATE MEDICAL DEPARTMENT.

Dated 22nd August 1906.

* * * * * *

First Class Assistant Surgeons to be Senior Assistant Surgeons, with the honorary rank of Lieutenant.

Charles Arthur Owen, F.R.C.S. (Edinburgh).

* * * * * *

BARRACK DEPARTMENT.

* * * * * *

The King has also approved of the retirement of the following Officers :—

* * * * * *

INDIAN SUBORDINATE MEDICAL DEPARTMENT.

Senior Assistant Surgeons, with the honorary rank of Captain.

* * * * * *

George Gill. Dated 24th September 1906.

* * * * * *

SPECIAL.

No. 21.—With reference to paragraph 293, Army Regulations, India, Volume II, the undermentioned officers having been absent from military duty for ten years are transferred to the supernumerary list, with effect from the dates specified :—

Captain A. J. O'Brien, C.I.E., Indian Army, Assistant Commissioner, Punjab.—Dated 24th October 1906.

Captain C. H. Buck, Indian Army, Assistant Commissioner, Punjab.—Dated 29th October 1906.

* * * * * *

A. H. BINGLEY, *Lieut.-Col.,*

Offg. Secretary to the Government of India.

Punjab Government Press, Lahore—17-1-07—790.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, JANUARY 24, 1907.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED JANUARY 19, 1907.

MILITARY SECRETARY'S OFFICE.

NOTIFICATION.

Viceroy's Camp, Agra, the 13th January 1907.

No. 56 *M.*—Intelligence having been received of the death of Her Majesty the Queen of Hanover, Dowager Duchess of Cumberland, Court Mourning is ordered for two weeks from the 11th January 1907, half mourning commencing from the 18th January 1907.

When attending at the Viceregal Court, Ladies will appear in black and Officers in uniform will wear a crape band on the left arm.

By Command,

F. L. ADAM, *Lt.-Col.*,

Military Secretary to the Viceroy.

HOME DEPARTMENT.

NOTIFICATION.

JAILS

Calcutta, the 17th January 1907.

No. 7.—The services of Captain J. E. Clements, M.B., I.M.S., are placed temporarily at the disposal of the Government of the Punjab for employment in the Jail Department.

H. H. RISLEY,

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Calcutta, the 15th January 1907.

No. 14.—Mr. W. B. Gordon, C.I.E., Superintending Engineer, 1st class, *temporary rank, supernumerary*, United Provinces of Agra and Oudh, is, on return from service under the Government of Cape Colony, permanently transferred to the Punjab.

The 16th January 1907.

No. 15.—With reference to Public Works Department Notification No. 162, dated the 21st July 1906, the services of Major S. H. Powell, R.E., are replaced at the disposal of the Army Department, with effect from the forenoon of the 16th December 1906.

L. M. JACOB,

Secretary to the Government of India.

ARMY DEPARTMENT.

Fort William, the 18th January 1907.

RESIGNATION.

SUPPLY AND TRANSPORT CORPS.

No. 42.—The undermentioned native officers of the Supply and Transport Corps are permitted to resign their commissions :—

Jemadars—

Mutab Din, Harnam Singh, Asadullah Khan, Mehr Chand, Chuhar Singh } of the Jullundur district.
Fazl Karim of the Hoshiarpur district.
Sirdar Nikka Singh of the Ambala district.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

North-Western Railway Volunteer Rifles.

No. 51.—Captain Hugh Alan Cameron, R.E., to be Major, *vice* Bagley, promoted. Dated 28th November 1906.

Lieutenant Arthur Ernest Pearse to be Captain, *vice* Cameron, promoted. Dated 28th November 1906.

Lieutenant Alan Henry Lawrence Mount, R.E., to be Lieutenant, *vice* Pearse, promoted. Dated 28th November 1906.

A. H. BINGLEY, *Lieut.-Col.*,

Offg. Secretary to the Government of India.

OFFICE OF THE CONTROLLER OF PRINTING, STATIONERY AND STAMPS.

NOTIFICATION.

Calcutta, the 15th January 1907.

Indenting officers are informed that the Stationery Store will be closed from the 10th March to the 31st March next, both days inclusive, for the triennial verification of stock.

Officers requiring Stationery before the 1st April should arrange to send their indents not later than the 15th February, as indents received after that date will in all probability not be complied with till after 1st April 1907. Telegraphic requisitions for Stationery in cases of extreme urgency will be received up to March 1st.

M. J. COGSWELL,

Controller of Printing, Stationery and Stamps.

Punjab Government Press, Lahore—24-1-07—790.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, JANUARY 31, 1907.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED JANUARY 26, 1907.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Calcutta, the 23rd January 1907.

No. 17.—Lieutenant-Colonel R. S. Maclagan, R.E., Executive Engineer, 1st grade, Punjab, is appointed to officiate as a Superintending Engineer, with effect from the 26th December 1906.

L. M. JACOB,

Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATION.

Fort William, the 25th January 1907.

No. 202 *G.*—In Notification No. 905-G., dated the 13th May 1904, publishing, for general information, a list of officers exercising political functions under the control of Local Governments, who are entitled to wear the uniform prescribed under the orders contained in the Notification by the Government of India in the Home Department, No. 111 (Public), dated the 15th January 1904, delete under "Bengal", "Political Officer, Sikkim . . . . . second class" and insert "Political Agent, Orissa Feudatory States . . . . first class".

L. W. DANE,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATION.

GEOLOGY AND MINERALS.

Calcutta, the 26th January 1907.

No. 894—82.—In exercise of the power conferred by section 20 of the Indian Mines Act, 1901 (VIII of 1901), the Governor General in Council is pleased to direct that for the last sentence in rule 30 of the rules regarding Mine Managers and their certificates, published with Notification No. 2968—82, dated 21st April 1906, the following shall be substituted, namely :—

> "Every regulation made by the Board under this rule shall be published in the local official gazette and except as regards examinations held before the end of January 1907, no such regulations shall take effect until six months from the date on which it was first so published."

W. L. HARVEY,

Secretary to the Government of India.

ARMY DEPARTMENT.

Fort William, the 25th January 1907.

APPOINTMENTS.

SUPPLY AND TRANSPORT CORPS.

No. 54.—The following appointment is made in the Reserve of the Supply and Transport Corps :—

Ajit Singh of the Amritsar District to be a Jemadar.

PROMOTIONS.

INDIAN ARMY.

No. 56.—The following promotions are made, subject to His Majesty's approval :—

Majors to be Lieutenant-Colonels.

* * * * * * *

The 22nd January 1907.

* * * * * *

Charles Mowbray Dallas, Supernumerary List.

* * * * * * *

Arthur Tristram Herbert Newnham, Cantonment Magistrate's Department.

* * * * * * *

A. H. BINGLEY, *Lieut.-Col.,*

Offg. Secretary to the Government of India.

FROM THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED JANUARY 26, 1907.

NOS. 102-119.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

ESTABLISHMENTS.

PROCEDURE TO BE FOLLOWED IN GRANTING LEAVE TO A MILITARY OFFICER WHO IS TEMPORARILY IN CIVIL EMPLOY.

Calcutta, the 24th January 1907.

RESOLUTION.

A QUESTION has recently arisen as to the conditions under which a military officer, who is temporarily in civil employ, should be granted leave when such leave would extend beyond the period for which his services have been lent to the civil department. Articles 605, 606 and 855—860 of the Civil Service Regulations have been held to cover cases of the nature under consideration; but as they do not clearly specify the procedure in every contingency, the Governor General in Council is pleased to prescribe the following rules for general information:—

(*a*) In the case of a military officer who is lent to a civil department for the performance of a specific duty, his term of service under the civil authorities terminates on the completion of such duty, and any leave for which he may then apply will be granted by the military authorities with reference to his status as a military officer.

(*b*) In the case of a military officer who is lent to a civil department for a fixed period, and who is desirous of taking leave prior to the termination of that period, leave will be granted, within the period for which his services have been lent to the civil department, with reference to the applicant's status as a civil officer, even though he does not return to his civil appointment on the expiry of his leave.

(*c*) In the case of a military officer lent to a civil department for a fixed period, who applies before the expiry of the term of his civil employment for leave which will extend beyond the period of such term, the whole period of leave will be granted by the civil authorities, after consultation with the military authorities, the portion antecedent to the expiry of the term of civil employ being granted with reference to the officer's status as a temporary civil officer and the balance with reference to his status as a military officer. In such cases the officer's service under the civil department will be held to terminate not at the commencement of his leave, but on the completion of the period for which his services were originally lent to the civil department.

ORDER.—Ordered that a copy of this Resolution be forwarded to the local Governments and Administrations for information; that a copy be forwarded to the Departments of the Government of India (except the Legislative Department) for information and further necessary action; and that the Resolution be published in the Supplement to the *Gazette of India*.

H. H. RISLEY,

Secretary to the Government of India.

Punjab Government Press, Lahore—31-1-07—790.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, FEBRUARY 7, 1907.

PART II.

Republications from the "Gazette of India."

FROM THE "SUPPLEMENT TO THE GAZETTE OF INDIA," DATED OCTOBER 13, 1906.

No. 8073—8087—18.

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE AND INDUSTRY.

EMIGRATION.

RESOLUTION.

Simla, the 12th October, 1906.

THE Government of India have received from His Majesty's Secretary of State for India a copy of an Act passed by the Parliament of the Commonwealth of Australia to amend the Immigration Restriction Act of 1901, extracts from which were published in the Supplement to the *Gazette of India,* dated 10th May 1902, with Resolution No. 13—38-2, dated the 9th May 1902. The more important provisions of this law, which is entitled "The Immigration Restriction Amendment Act, 1905," are noted below for general information.

2. The portion of section 3 of the Principal Act which relates to the dictation test is as follows:

"The immigration into the Commonwealth of the persons described in any of the following paragraphs of this section (hereinafter called "prohibited immigrants") is prohibited, namely:

(*a*) Any person who when asked to do so by an officer fails to write out a dictation and sign in the presence of the officer a passage of fifty words in length in an European language directed by the officer."

This section has now been amended by section 4 of the new Act, the material provisions of which are as follows:

"4. Section 3 of the Principal Act is amended—

(*a*) by omitting the whole of paragraph (*a*), and inserting in lieu thereof the following paragraph:

"(*a*) any person who fails to pass the dictation test: that is to say, who, when an officer dictates to him not less than 50 words in any prescribed language, fails to write them out in that language, in the presence of the officer.

No regulations prescribing and language or languages shall have any force until it has been laid before both Houses of the Parliament for thirty days and, before or after the expiration of such thirty days, both Houses of the Parliament by a resolution, of which notice has been given, have agreed to such regulation."

3. A section has been enacted which makes intermediate provision for the application of section 3, as amended, as follows:

" 5. Until a regulation prescribing any language or languages under section 3 of the Principal Act as amended by this Act shall come into force, any language authorized by section 3 of the Principal Act before the commencement of this Act shall be deemed to be a prescribed language within the meaning of that section as so amended."

4. The following new section has been inserted:

" 4-B. (1) Any person who has resided in Australia for a period or periods in the aggregate of not less than five years, and who is about to depart from the Commonwealth, may in manner prescribed apply to an officer authorized in that behalf for a certificate in the prescribed form excepting him, if he returns to the Commonwealth within the period limited in the certificate, from the provisions of paragraph (*a*) of section 3 of this Act.

" (2) The officer may in his discretion give the certificate on payment of the prescribed fee, or, without assigning any reason, withhold it.

" (3) Where the Minister is satisfied that a certificate given under this section has been obtained by any untrue statement of fact or intention, the Minister may revoke the certificate, which shall thereupon be taken to be of no effect and shall on demand be delivered up to the Minister.

" (4) A person to whom a certificate under this section has been issued (which certificate has not been revoked) shall not, on his return to the Commonwealth within the time limited by the certificate, if he produces and delivers the certificate to an officer, be required to pass the dictation test."

5. Section 5 of the Principal Act has been amended, and now reads thus—

" (1) Any immigrant who evades an officer or who enters the Commonwealth at any place where no officer is stationed may if at any time thereafter he is found within the Commonwealth be *required to pass the dictation test*, and shall if he fails to do so be deemed to be a prohibited immigrant offending against this Act.

" (2) Any immigrant may at any time within one year after he has entered the Commonwealth be *required to pass the dictation test*, and shall if he fails to do so be deemed to be a prohibited immigrant offending against this Act.

The following sub-section has also been added:

" (3) In any prosecution under the last preceding sub-section, the averment of the prosecutor contained in the information that the defendant has entered the Commonwealth within one year before his failing to pass the dictation test shall be deemed to be proved in the absence of proof to the contrary."

6. Section 6 of the Principal Act has been amended, and now stands as follows:

" Any prohibited immigrant within the meaning of paragraph (*a*) only of section 3 may if thought fit by an officer be allowed to enter the Commonwealth or to remain within the Commonwealth upon the following conditions:

(*a*) He shall on entering the Commonwealth or on failing *to pass the dictation test* deposit with an officer the sum of one hundred pounds.

(*b*) He shall within thirty days after depositing such sum obtain from the Minister a certificate of exemption in the form of the Schedule or depart from the Commonwealth, and thereupon the deposit shall be returned; but otherwise the deposit or any part thereof may be forfeited and he *shall be deemed to be* a prohibited immigrant offending against this Act.

7. It will be observed that the most important change effected by the Amending Act is the substitution of "any prescribed language" for "an European language" in the case of the dictation test. The languages will be prescribed by the Regulations which will be framed under the Act. The Governor General in Council requests all Local Governments to take such measures as seem to them best calculated to make the provisions of the Act generally known to natives of India, more especially in places from which emigration to the Australian Colonies is believed to be most common. Intending emigrants should be warned at the ports of embarkation of the difficulties they may encounter in proceeding to these Colonies.

ORDERED that a copy of the above Resolution be forwarded, for information and guidance, to the Local Governments and Administrations noted in the margin and to the Home and Foriegn Departments for information.

The Secretary to the Government of Madras.
" " " " Bombay.
" " " " Bengal.
" " " " the United Provinces.
" " " " the Punjab.
" " " " Burma.
" " " " Eastern Bengal and Assam.
" Hon'ble the Chief Commissioner of the Central Provinces.
" Chief Commissioner of Coorg.
" " " of Ajmer-Merwara.
" Hon'ble the Chief Commissioner of the North-West Frontier Province.
" " " Agent to the Governor-General, Baluchistan.

ORDERED also, that a copy be published in the Supplement to the *Gazette of India.* for general information.

W. L. HARVEY,

Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," DATED FEBRUARY 2, 1907.

HOME DEPARTMENT.

NOTIFICATIONS.

ECCLESIASTICAL.

Calcutta, the 30th January 1907.

No. 38.—The Reverend J. G. S. Syme, a junior chaplain on the Bengal (Lahore) ecclesiastical establishment, is promoted to be a senior chaplain, with effect from the 25th January 1907.

No. 40.—The Reverend F. C. Buckwell, a chaplain on probation, is appointed to be a junior chaplain on the Bengal (Lahore) ecclesiastical establishment, with effect from the 11th January 1907.

The 31st January 1907.

No. 42 —The Reverend J. King, a chaplain on probation, is appointed to be a junior chaplain on the Bengal (Lahore) ecclesiastical establishment, with effect from the 20th December 1906.

H. H. RISLEY,

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Calcutta the 1st February 1907.

No. 21.—The following promotion and reversions are ordered in the superior Accounts Branch :—

Name.	From	To	Nature of promotion.	With effect from
* * *	* *	* *	* *	* *
Mr. W. R. Butterfield ...	Examiner, Class IV, 3rd grade, sub. *pro tem.*	Examiner, Class IV, 3rd grade, *temporary.*	...	31st December 1906.
* * *	* *	* *	* *	* *

L. M. JACOB,

Secretary to the Government of India.

ARMY DEPARTMENT.

Fort William, the 1st February 1907.

APPOINTMENTS.

SUPPLY AND TRANSPORT CORPS.

No. 78.—The following appointments are made in the Reserve of the Supply and Transport Corps:—

To be Jemadars—

Muhammad Ali, Atta Ulla, Muhammad Hazir Khan, Sardar Sujjan Singh } of Lahore district.

Khan Dauran Khan of Gujranwala District.

CANTONMENT MAGISTRATE'S DEPARTMENT.

No. 80.— * * * * * *

Major E. Waller to continue to officiate in the 2nd grade;

With effect from 1st October 1906.

No. 81.—The following promotions are made in consequence of Lieutenant-Colonel W. S. Hewett, provisional Cantonment Magistrate, 1st grade, having vacated his appointment under the operation of article 163, Army Regulations, India, Volume I:—

* * * * * * * *

Lieutenant-Colonel R. E. S. Taylor, to be officiating Cantonment Magistrate, 2nd grade, with staff pay at Rs 600 a month, *vice* Major W. C. C. Leslie, appointed to officiate as Cantonment Magistrate, 1st grade.

* * * * * * * *

With effect from 30th December 1906.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

1st Punjab Volunteer Rifles.

No. 102.—Lieutenant Thomas Robert Todd, to be Captain, *vice* Hocking, transferred to the supernumerary list. Dated 4th January 1907.

A. H. BINGLEY, *Lieut.-Col.*,

Offg. Secretary to the Government of India.

FROM THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED FEBRUARY 2, 1907.

NO. 1028-1042—116,

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE AND INDUSTRY.

EMIGRATION.

RESOLUTION.

Dated Calcutta, the 31st January 1907.

THE Government of India have received from His Majesty's Secretary of State for India a copy of a Bill passed by the Parliament of Cape Colony to repeal the Immigration Act of 1902, extracts from which were published in the *Gazette of India* with Resolution No. 4-2—4, dated the 20th February 1903. The more important provisions of this law which is entitled "The Immigration Act, 1906" are noted below for general information.

2. The most important change effected is that, whereas under the Act of 1902, Asiatics domiciled in South Africa were not included in the category of "prohibited immigrants," the present Bill exempts those persons only who are born in that country. Asiatics lawfully resident in the Colony. are permitted, however, to be absent temporarily under permits issued under Regulations approved by the Governor.

3. The Governor General in Council requests all Local Governments to take such measures as seem to them best calculated to make the provisions of the Bill generally known to natives of India, more especially in places from which emigration to Cape Colony is believed to be most common. Intending emigrants should be warned at the ports of embarkation of the difficulties they may encounter in proceeding to this Colony.

" 2. In the construction of this Act the following expressions shall, unless the contrary intention appears, bear the meanings hereby respectively assigned to them, that is to say :—

'Ship' shall include any ship, vessel or boat or description thereof used in navigation.

'Master' shall include any person other than a pilot in charge or command of any ship.

'Immigrant' shall mean and include any person who arriving from without this Colony enters or claims to enter by land or sea.

" 3. Subject to the provisions of this Act, it shall be unlawful for any immigrant who is or appears to be of any one of the following classes to enter this Colony by land or sea; and every such immigrant shall be termed a 'prohibited immigrant':—

(a) Any person who, when asked to do so by any duly authorized officer shall be unable through deficient education to himself write out and sign in the characters of any European language an application to the satisfaction of the Minister; provided that for the purposes of this sub-section Yiddish shall be accepted as a European language.

(b) Any person who is not in possession of visible means of support or is likely to become a public charge.

* * * * * * * *

" 4. The provisions of the proceding section shall not apply to any immigrant who is of any of the following classes :—

* * * * * * * *

(e) The wife and any child under the age of 16 years of any person who is permitted to immigrate into the Colony under the provisions of this Act.

(f) (a) Persons born in South Africa.

(b) Persons of European birth domiciled in South Africa * *

* * * * * * * *

(g) Any Asiatic who having, when lawfully resident within the Colony, obtained from the Minister a permit issued under such Regulations as shall be proclaimed thereof by the Governor, authorising him to temporarily absent himself from the Colony returns in accordance with the terms and conditions of such permit.

* * * * * * * *

" 5. Any person found to have immigrated at any time into this Colony by land or see in violation of the provisions of this Act or of 'The immigration Act, 1902,' shall be liable to a penalty of £50 or in the alternative to three months' imprisonment with or without hard labour, and to be removed at any time from within the limits of the Colony and to be detained in such custody as may by regulation be prescribed pending such removal.

" 6. Any master of any ship who knowingly, directly or indirectly allows any immigrant to leave his ship, where by such immigrant contravenes any provisions of the Act, and the owners of any such ship which any such immigrant so leaves shall be jointly and severally liable to a penalty of £100, and to a further penalty of £20 for each such immi-

grant landed in excess of the number of five. Such ship may be refused a clearance till such penalty has been paid, and may in default of payment by or on behalf of the master or owners and by order of the Supreme Court be attached and declared executable in satisfaction of any writ issued for the recovery of any such penalty, provided that in lieu of granting such order, it shall be lawful for the Court to accept such security for the payment of such penalty as may appear to be adequate.

"7. Any person aiding or assisting any person in any manner whatsoever in the contravention of any provision of this Act, or of the regulations framed thereunder or making any false declaration in order to obtain for himself or another person any certificate or other recommendation for the purposes of this Act, or entering into any contract for the purposes of any evasion of the provisions of this Act, shall be liable to a fine not exceeding £100, or to imprisonment with or without hard labour for a period not exceeding six months.

"8. It shall be lawful for the Governor from time to time by Proclamation to make regulations in order to prevent any immigration into this Colony contrary to and in violation of the provisions of this Act, and to appoint officers within and beyond the limits of the Colony to carry out such regulations, and to provide for the removal from within the territorial limits of the Colony of any persons who are, under and by virtue of the provisions of this Act, prohibited from immigrating thereinto, and settling therein, and to provide for the temporary custody, control and accommodation of such persons pending their removal as aforesaid, and to provide for the importation, reception, accommodation, maintenance, registration, distribution and contractual engagements of persons immigrating under any scheme approved by the Governor * * * * * * *; and to provide for the issue of certificates and other documents under such regulations and the payment of fees therefor, and to provide for the passage of prohibited immigrants through the Colony or for their temporary residence therein and to provide for and prescribe the deposits of security for their journey through the Colony or leaving it within the period allowed to them, and generally in furtherance of the objects and intents of this Act.

"9. It shall be lawful for the Governor to prescribe penalties for the contravention of any regulation made by him under this Act, provided that no penalty in respect of any one contravention shall exceed a fine of £100, or in default of payment thereof, imprisonment with or without hard labour for a period exceeding 12 months, or to imprisonment with or without hard labour and without the option of a fine for a period exceeding 12 months.

"10. This Act may be cited as 'The Immigrarion Act, 1906'."

ORDERED that a copy of the above Resolusion be forwarded, for information and guidance, to the Local Governments and Administrations noted in the margin and to the Home and Foreign Departments for information.

The Secretary to the Government of Madras.
" " " " Bombay.
" " " " Bengal.
" " " " the United Provinces.
" " " " the Punjab.
" " " " Burma.
" " " " Eastern Bengal and Assam.
" Hon'ble the Chief Commissioner of the Central Provinces.
" Chief Commissioner of Corg.
" " " of Ajmer-Merwara.
" Hon'ble the Chief Commissioner of the North-West Frontier Province
" " Agent to the Governor-General in Baluchistan.

Ordered also, that a copy be published in the Supplement to the *Gazette of India* for general information.

W. L. HARVEY,

Secretary to the Government of India.

Punjab Government Press, Lahore—7-2-07—790.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, FEBRUARY 14, 1907.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED FEBRUARY 9, 1907.

HOME DEPARTMENT.

NOTIFICATION.

ESTABLISHMENTS.

Calcutta, the 6th February 1907.

No. 183.—The services of Mr. M. L. Darling, of the Indian Civil Service, are placed at the disposal of the Foreign Department, with effect from the date on which he relinquishes charge of his duties under the Government of the Punjab.

H. H. RISLEY,

Secretary to the Government of India.

ORDER OF THE INDIAN EMPIRE.

NOTIFICATION.

Fort William, the 7th February 1907.

No. 7-I. E.—The name of Mr. Robert Greig Kennedy, lately Chief Engineer and Secretary to the Government of the Punjab, Public Works Department, Irrigation Branch, who was appointed a Companion of the Most Eminent Order of the Indian Empire on the 1st January 1907, is as now given, and not as stated in notification No. 1-I. E., of that date.

L. W. DANE,

Secretary to the Most Eminent Order of the Indian Empire

FOREIGN DEPARTMENT.

NOTIFICATION.

Fort William, the 6th February 1907.

No. 381-*F.*—The undermentioned officers are placed on special duty under the Foreign Department, with effect from the dates specified against their names, and until further orders:—

Munshi Muhammad Zafar Khan, Political Tahsildar, Dera Ghazi Khan, Punjab, from the 20th November 1906.

* * * * * * * *

L. W. DANE,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATION.

TELEGRAPHS.

Calcutta, the 8th February 1907.

No. 1344—23.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Governor-General in Council is pleased to direct that the following rule shall be substituted for the rule bearing the same number published with the notification of the Government of India in the Public Works Department, No. 29S Telegraphs, dated the 22nd September 1904, namely:—

41. *Abbreviated addresses.*—A list of the abbreviated addresses of Government officials to be used in telegrams, either State or Private, is given in sections XI (A) and (B) of the Indian Telegraph Guide. The conditions for the registration of abbreviated addresses laid down in Rule 31 do not apply to the abbreviated addresses of Government officials. These are registered free of charge, and without any restriction as to the number of words used. Applications for the registration of abbreviated addresses of Government officials should be made to the Director-General of Telegraphs by the heads of the Departments concerned.

W. L. HARVEY,

Secretary to the Government of India.

ARMY DEPARTMENT.

Fort William, the 8th February 1907.

APPOINTMENTS.

SUPPLY AND TRANSPORT CORPS.

No. 109.—The following appointment is made in the Reserve of the Supply and Transport Corps:—

Umar Draz Khan of the Rawalpindi District to be Jemadar.

A. H. BINGLEY, *Lieut.-Col.*,

Offg. Secretary to the Government of India.

FROM THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED FEBRUARY 9, 1907.

No. 1206—1220-2.

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE AND INDUSTRY.

EMIGRATION.

RESOLUTION.

Dated Calcutta, the 6th February 1907.

His Majesty's Secretary of State for India has brought to the notice of the Government of India the fact that there is no prospect of employment for Indian labourers in New Caledonia and that in the event of their destitution there is no likelihood of their being afforded relief by the Colonial Government.

2. The Governor-General in Council accordingly requests all Local Governments and Administrations to make the above intimation generally known, particularly in places from which emigration to New Caledonia is believed to be most common; and also to warn intending emigrants at the ports of embarkation of the risks they run in proceeding to that Colony.

The Secretary to the Government of Madras.
" " " " Bombay.
" " " " Bengal.
" " " " the United Provinces.
" " " " the Punjab.
" " " " Burma.
" " " " Eastern Bengal and Assam.
" Honourable the Chief Commissioner of the Central Provinces.
" Chief Commissioner of Coorg.
" " " Ajmer-Merwara.
" Honourable the Chief Commissioner of the North-West Frontier Province.
" Honourable the Agent to the Governor-General in Baluchistan.

ORDERED that a copy of the above Resolution be forwarded, for information and guidance, to the Local Governments and Administrations noted in the margin and to the Home and Foreign Departments, for information.

Ordered also, that a copy be published in the *Gazette of India* for general information.

W. L. HARVEY,

Secretary to the Government of India.

Punjab Government Press, Lahore—14-2-07—790.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, FEBRUARY 21, 1907.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED FEBRUARY 16, 1907.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Calcutta, the 15th February 1907.

No. 33.—With reference to Public Works Department Notification No. 80, dated 22nd February 1905, Mr. W. J. Britts, Officiating Deputy Examiner of Accounts, Class II, is permanently appointed to the Superior Accounts Branch, with effect from the 27th January 1907, with the rank of Deputy Examiner, Class II.

L. M. JACOB,

Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATION.

Fort William, the 9th February 1907.

No. 448 *F.*—The services of Malik Khuda Bakhsh Khan, Tiwana, late British Agent at Kabul, are replaced at the disposal of the Government of the Punjab, with effect from the 11th February 1907.

L. W. DANE,

Secretary to the Government of India.

ARMY DEPARTMENT.

Fort William, the 15th February 1907.

LONDON GAZETTE.

No. 123.—The following extracts are published for general information :—

* * * * * * *

"*London Gazette," dated 25th January* 1907, *pages* 570, 571 *and* 572.

* * * * * * *

India Office,
25th January 1907.

The King has approved of the following promotions among Officers of the Indian Army, Indian Medical Service, Indian Subordinate Medical Department and Indian Army Departments, and admissions to the Indian Army made by the Government of India :—

* * * * * * *

INDIAN MEDICAL SERVICE.

Lieutenants to be Captains.

Dated 31st August 1906.

* * * * * * *

Clifford Allchin Gill.

* * * * * * *

ARMY CLOTHING DEPARTMENT.

To be Assistant Commissary and Honorary Lieutenant.

* * * * * * *

The King has also approved of the transfer to the Unemployed Supernumerary List of the following officers of the Indian Army :—

Lieutenant-Colonel Henry Percy Poingdestre Leigh, C.I.E. Dated 28th December 1906.

* * * * * * *

PROMOTIONS.

INDIAN ARMY.

No. 124.—The following promotions are made, subject to His Majesty's approval :—

* * * * * * *

INDIAN MEDICAL SERVICE.

Captains to be Majors.

29th January 1907.

* * * * * * *

Clement Henry Bensley.

* * * * * * *

John Stephenson, M.B., F.R.C.S.

* * * * * * *

A. H. BINGLEY, ***Lieut.-Col.,***
Offg. Secretary to the Government of India.

FROM THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED FEBRUARY 16, 1907.

Circular No. 5-F.
38—2

GOVERNMENT OF INDIA.

DEPARTMENT OF REVENUE AND AGRICULTURE.

FORESTS.

REVISION OF THE GRADING AND EMOLUMENTS OF DEPUTY AND ASSISTANT CONSERVATORS, AND FURTHER IMPROVEMENTS IN RESPECT TO THE ADMINISTRATIVE POSTS, IMPERIAL FOREST SERVICE.

Calcutta, the 15th February 1907.

RESOLUTION.

IN the Government of India Resolution No. 4 F., dated the 28th March 1906, it was stated that the Government of India had arrived at the conclusion that, in order to maintain the efficiency of the Imperial Branch of the Forest Service, it was necessary to take steps to improve the conditions of the service. The enhanced rates of pay of the administrative posts to which the sanction of the Secretary of State had been obtained were accordingly announced.

2. In order to complete the reorganization of the Imperial Forest Service thus begun the Government of India have now obtained the sanction of the Secretary of State to the following revision of the grading and emoluments of Deputy and Assistant Conservators of Forests.

It has been decided to abolish the present system of payment by grades and to establish in its place a system of personal pay dependent on the length of service of the individual officer, according to the following scale :—

	Rs.	
In the 1st year of service	380	per mensem.
" 2nd " "	420	"
" 3rd " "	460	"
" 4th " "	500	"
" 5th " "	540	"
" 6th " "	580	"
" 7th " "	620	"
" 8th " "	660	"
" 9th " "	700	"
" 10th " "	750	"
" 11th " "	800	"
" 12th " "	850	"
" 13th " "	900	"
" 14th " "	950	"
" 15th " "	1,000	"
" 16th " "	1,050	"
" 17th " "	1,100	"
" 18th " "	1,150	"
" 19th " "	1,200	"
" 20th and following years of service ...	1,250	"

The above scale of pay will take the place of the existing grade pay, officiating allowances (below administrative rank) and exchange compensation allowance, but it will not affect existing special and local allowances such as those set forth in the Forest Department Code, and the corresponding allowances in Bombay and Madras. These allowances are granted to meet special conditions which remain unaltered.

3. (i) Whilst drawing pay up to and including Rs. 540 a month an officer will be styled "Assistant Conservator" and when drawing pay at Rs. 580 per mensem and upwards he will have the rank of a Deputy Conservator.

(ii) Until he has passed the examinations prescribed in Article 74, Forest Department Code, an Assistant Conservator may not draw pay at a higher rate than Rs. 460 a month. On passing the examinations he will resume drawing pay under the time-scale at the rate to which his length of service entitles him.

(iii) Local Governments are authorized to stop the incremental rise of pay of any officer whose work in its opinion is not of a satisfactory nature.

(iv) As heretofore a Deputy Conservator officiating as a Conservator will be entitled to a salary equal to the pay of the lowest grade of Conservator.

4. The sanction of the Secretary of State has also been obtained to certain further improvements in respect to the administrative posts of the Imperial Forest Service, and the orders contained in Resolution No. 4 F., dated the 28th March 1906, are accordingly modified to the following extent :—

(i) A Conservator officiating as Chief Conservator, or a Conservator or Chief Conservator officiating as Inspector-General of Forests will draw the full pay of the post.

(ii) The pay of the Inspector-General of Forests has been fixed at Rs 2,650 a month.

5. The orders contained in this Resolution will have effect from the 6th January 1907, but should the time-scale of pay now sanctioned result in the diminution of the existing emoluments of any individual officer, he will retain his present salary until he becomes entitled to a higher rate under the time-scale.

ORDERED, that a copy of the above Resolution, together with a copy of the Despatches* to and from the Secretary of State, be forwarded, for information and guidance, to the Local Governments and Administrations noted in the margin, the Inspector-General of Forests, and the Comptroller, India Treasuries.

* To His Majesty's Secretary of State, No. 389, dated 1st November 1906.

From His Majesty's Secretary of State, No. 229 (Revenue), dated 21st December 1906.

Madras.	Central Provinces.
Bombay.	Coorg.
Bengal.	Ajmer.
United Provinces.	Baluchistan.
Punjab.	North-West Frontier Province.
Burma.	Superintendent, Port Blair.
Eastern Bengal and Assam.	

ORDERED also that a copy be forwarded to the Finance Department, for information and further action, with reference to its Resolution No. 210 Ex., dated the 11th January 1907, and that the Resolution be published in the Supplement to the *Gazette of India.*

E. D. MACLAGAN,

Offg. Secretary to the Government of India.

Punjab Government Press, Lahore—21-2-07—790.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, FEBRUARY 28, 1907.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED FEBRUARY 23, 1907.

HOME DEPARTMENT.

NOTIFICATIONS.

MEDICAL.

Calcutta, the 18th February 1907.

No. 150.—Lieutenant-Colonel F. F. Perry, F.R.C.S., I.M.S. (Bengal), Principal and Professor of Surgery, Medical College, Lahore, is granted special leave on urgent private affairs for 3 months, with effect from the 1st April 1907.

The 21st February 1907.

No. 155.—Major A. J. Macnab, F.R.C.S., I.M.S. (Bengal), Civil Surgeon of Simla, is granted privilege leave for 20 days, with effect from the 1st February 1907.

No. 156.—Major R. Heard, M. B., I.M.S. (Bengal), Joint Medical Officer of Simla, is appointed to officiate as Civil Surgeon of Simla, during the absence on leave of Major A. J. Macnab, F.R.C.S., I.M.S. (Bengal), in addition to his own duties.

ECCLESIASTICAL.

The 20th February 1907.

No. 79.—The Reverend M. C. Sanders, a senior chaplain on the Bengal (Lahore) ecclesiastical establishment, is permitted to retire from the service, with effect from the 7th March 1907.

H. H. RISLEY,

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Calcutta, the 21st February 1907.

No. 35.—*Addendum*.—After *1907* in the penultimate line of Public Works Department Resolution No. 471-E., dated the 30th April 1906, published under Notification No. 69, dated the 8th May 1906, in regard to the discontinuance in the administrative grades of Exchange Compensation Allowance to officers of the Public Works Department Engineer Establishment, recruited in 1907, and subsequent years, add the following:—

With the exception of Coopers Hill Engineers appointed to the Department during that year.

L. M. JACOB,

Secretary to the Government of India.

FINANCE DEPARTMENT.

NOTIFICATION.

SEPARATE REVENUE.

OPIUM.

Calcutta, the 22nd February 1907.

No. 1143-*A*.—With reference to clause (3) of the Notification of the Government of India in the Finance Department, No. 3494-A., dated the 22nd June 1906, published in the *Gazette of India* of the 23rd June 1906, it is hereby notified for general information that in each of the 6 months, July to December 1907, both inclusive, not more than 4,000 chests of Bengal Opium will be offered for sale, of which not more than 2,000 chests will be Benares Opium and not more than 2,000 chests Patna Opium.

J. S. MESTON,

Secretary to the Government of India.

ARMY DEPARTMENT.

Fort William, the 22nd February 1907.

CANTONMENTS.

No. 140.—In exercise of the powers conferred by section 20, sub-section (1), of the Cantonments Act, 1889 (XIII of 1889), the Governor-General in Council is pleased to declare that in every Cantonment in British India in which a tax on buildings is for the time being imposed under section 17, sub-section (1), clause (*a*), of the said Act, all buildings used as Soldiers' Institutes or Homes shall be exempt from the payment of the said tax.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

North-Western Railway Volunteer Rifles.

No. 169.—John Dale Green, gentleman, to be Second-Lieutenant, *vice* Upson resigned. Dated 22nd October 1906.

A. H. BINGLEY, *Lieut.-Col.,*

Offg. Secretary to the Government of India.

Punjab Government Press, Lahore—28-2-07—790.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, MARCH 7, 1907.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED MARCH 2, 1907.

HOME DEPARTMENT.

NOTIFICATIONS.

ESTABLISHMENTS.

Calcutta, the 28th February 1907.

No. 255.—The Honourable Sir Charles Montgomery Rivaz, K.C.S.I., has obtained permission from His Excellency the Governor General of India to resign, from the 5th March 1907, the office of Lieutenant-Governor of the Punjab and its Dependencies. His Excellency is pleased to direct, as a mark of respect due to the character and services of Sir Charles Montgomery Rivaz, that all the honours and distinctions to which he is now entitled as Lieutenant-Governor of the Punjab shall be continued to him from the 5th March until the date of his embarkation for Europe.

No. 256.—Under the authority conveyed by the 29th Section of the Act 21 and 22 Vict., Cap. 106, His Excellency the Governor General of India is pleased, with the approbation of His Majesty the King, Emperor of India, to appoint the Honourable Sir Denzil Charles Jelf Ibbetson, K.C.S.I., to be Lieutenant-Governor of the Punjab and its Dependencies, in succession to the Honourable Sir Charles Montgomery Rivaz, K.C.S.I.

EXAMINATIONS.

Calcutta, the 1st March 1907.

No. 88.—The following list shows the names of the selected candidates and the marks obtained by them in each subject in the recent examination for clerkships in the lower division of the Secretariat Offices of the Government of India and the departments directly attached thereto :—

No.	Names of candidates in order of merit.	Date of birth.	Date on which the candidate will attain the age of 25 years.	English composition (essay writing and drafting).	Precis-writing.	History (English and Indian).	Geography.	Elementary mathematics.	Short-hand writing (optional).	Total.	Office in which the candidate elects to serve.
				100	100	50	50	50	75	425	
1	Bhag Mal ...	4th July 1885 ...	4th July 1910 ..	47	25	24	28	31	73	228	Home Department or any other office.
2	Ajit Kumar Banerjee.	6th July 1883 ...	6th July 1908 ...	58	75	25	23	38	...	225	Office of the Accountant-General, Public Works Department.
3	Amar Chand ...	27th June 1885	27th June 1910	44	25	20	25	30	72	216	Home Department.
4	Sarat Chandra Dey	1st Jany. 1884 ..	1st Jany. 1909...	38	30	30	28	37	45	208	Home Department or any Secretariat Office.
	Sachchidananda Chatterjee.	13th Mar. 1886	13th Mar. 1911	49	75	23	25	36	...	208	Any Secretariat Office.
5	Hari Dhan Banerjee.	7th May 1886 ...	7th May 1911 ..	44	25	21	29	30	42	191	Ditto.
6	Gujar Mall Kapoor	3rd Oct. 1888	3rd Oct. 1913	31	25	23	39	24	47	189	Ditto.
7	Saraj Kumar Sarkar.	30th Mar. 1885	30th Mar. 1910	50	25	35	34	23	...	167	Home Department.
8	A. C. Brabson ...	3rd Jany. 1887...	3rd Jany. 1912...	33	25	17	25	41	...	141	Any Secretariat Office.

H. H. RISLEY,

Secretary to the Government of India.

DEPARTMENT OF REVENUE AND AGRICULTURE.

NOTIFICATIONS.

CIVIL VETERINARY ADMINISTRATION.

Calcutta, the 1st March 1907.

No. 424—32-2.—Captain J. Farmer, M. R. C. V. S., Superintendent, Government Cattle Farm, Hissar, is granted privilege leave for 3 months in combination with furlough and study leave for 16 months, with effect from 1st April 1907 or the subsequent date on which he may avail himself of it.

No. 425—32-2.—Mr. C. W. Wilson, I. C. V. D., is appointed to officiate as Superintendent, Government Cattle Farm, Hissar, during the absence on leave of Captain J. Farmer or until further orders.

E. D. MACLAGAN,

Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Calcutta, the 28th February 1907.

No. 36.—The Governor General in Council is pleased to order the following promotions and reversions to and in the classes of Superintending Engineers of the Public Works Department, with effect from the dates specified :—

Names.	From	To	With effect from
Russell, R. P.	Superintending Engineer, 3rd class, *temporary rank.*	Executive Engineer, 1st grade.	31st October 1906.
* * *	* * *	* * *	* * *
Barratt, C. H.	Superintending Engineer, 1st class, *temporary rank.*	Superintending Engineer, 1st class, permanent.	4th November 1906.
* * *	* * *	* * *	* * *
Farrant, J. T.	Superintending Engineer, 2nd class.	Superintending Engineer, 1st class, *temporary rank.*	4th November 1906.
* * *	* * *	* * *	* * *
Tickell, R. H	Executive Engineer, 1st grade, and Superintending Engineer, 2nd class, *temporary rank.*	Superintending Engineer, 3rd class, permanent, and Superintending Engineer, 2nd class, *temporary rank.*	4th November 1906.
* * *	* * *	* * *	* * *
Bennett, W. E. T. ...	Superintending Engineer, 2nd class.	Superintending Engineer, 1st class, *temporary rank.*	7th December 1906.
Scratchley, A. J. ...	Superintending Engineer, 2nd class, sub, *pro tem.*	Superintending Engineer, 2nd class, permanent.	7th December 1905.
* * *	* * *	* * *	* * *
Davis, J. G.	Superintending Engineer, 3rd class, *temporary rank.*	Superintending Engineer, 2nd class, *temporary rank.*	7th December 1906.
* * *	* * *	* * *	* * *
Bellasis, E. S.	Superintending Engineer, 2nd class.	Superintending Engineer, 1st class, *temporary rank.*	22nd December 1906.
* * *	* * *	* * *	* * *
Bagley, W. A.	Superintending Engineer, 3rd class, *temporary rank.*	Officiating Superintending Engineer.	26th December 1906.
Maclagan, Lieutenant-Colonel R. S., R. E.	Officiating Superintending Engineer.	Superintending Engineer, 3rd class, *temporary rank.*	26th December 1906.
* * *	* * *	* * *	* * *

The promotion of Mr. J. G. Davis to Superintending Engineer, 2nd class, *temporary rank*, from 1st November 1906, notified in Public Works Department Notification No. 161, dated 19th November 1906, is hereby cancelled.

L. M. JACOB,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATIONS.

POST OFFICE—GENERAL MATTERS.

Calcutta, the 26th February 1907.

No. 1819-60.—In exercise of the powers conferred by section 25 of the Indian Post Office Act, 1898 (VI of 1898), the Governor General in Council is pleased to empower the officers noted in the margin to search or cause search to be made for birds' skins and feathers in course of transmission by post to any place out of British India, the taking of which by sea or by land out of British India is prohibited by the Notification in the Finance and Commerce Department, No 5028-S. R., dated the 19th September 1902, and to direct that the said officers shall deliver all such skins and feathers found to the nearest Collector of Customs.

(1) The Presidency Postmaster, Deputy Postmaster and Assistant Postmasters at Bombay.
(2) The Postmaster, Belgaum (Bombay).
(3) The Assistant Mail Officers, Bombay Aden Sea Post Office.
(4) The Postmaster and Deputy Postmaster of Karachi.
(5) The Postmaster of Quetta (for articles for Seistan and Khorasan in Persia).
(6) The Presidency Postmaster, Deputy Postmaster and Assistant Postmasters at Madras.
(7) The Postmaster and Deputy Postmaster, Tuticorin.
(8) The Postmaster, Negapatam.
(9) The Postmaster, Pondicherry.
(10) The Postmaster, the Deputy Postmaster and the Assistant Postmasters at Rangoon.
(11) The Presidency Postmaster, the Deputy Postmaster and the Assistant Postmasters at Calcutta.

No. 1821-60.—In exercise of the powers conferred by section 21, sub-section 1, of the Indian Post Office Act, 1898 (VI of 1898), the Governor General in Council is pleased to direct that the following amendment shall be made in the rules published in the Notification in the Finance and Commerce Department, No. 1429-C.S.R., dated the 30th March 1899 :—

Insert the following after Rule 25.

25 A. Every postal parcel handed to the Post Office for transmission by the foreign post shall be presented at the post office with a declaration, in such form as may be from time to time prescribed by the Director General, containing a statement signed by the sender as to the nature of its contents and their value.

CUSTOMS.

The 1st March 1907.

No. 1959-101.—In exercise of the power conferred by section 23 of the Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to exempt from the whole of the customs duty in excess of five per cent. *ad volorem* leviable thereon on importation into British India, petroleum which has its flashing point at or above one hundred and fifty degrees of Fahrenheit's thermometer, and which is proved to the satisfaction of the Customs Collector to be intended for use exclusively for some sanitary or hygienic purpose.

B. ROBERTSON,
Offg. Secretary to the Government of India.

THE HON'BLE THE AGENT TO THE GOVERNOR GENERAL AND CHIEF COMMISSIONER, NORTH-WEST FRONTIER PROVINCE.

NOTIFICATIONS.

Peshawar, the 21st February 1907.

No. 13.—The next half-yearly examination in the Pashtu language by the Higher Standard will be held at Peshawar, Dera Ismail Khan, Gilgit, Chitral and Lahore Cantonment on Monday, the 1st April 1907, and following day.

The examination for Tahsildars, Naib Tahsildars and subordinate officers of the Police and Irrigation Departments will be held at Peshawar and Dera Ismail Khan on the 3rd April 1907.

By order, etc ,

J. L. MAFFEY,

Assistant Secretary to the Chief Commissioner, N.-W. Frontier Province.

Peshawar, the 26th February 1907.

No. 15.—The services of the Reverend A. P. G. Maunsell are replaced at the disposal of the Punjab Government with effect from the afternoon of the 19th February 1907.

By order, etc.,

A. H. GRANT,

Secretary to the Chief Commissioner, N.-W. Frontier Province.

FROM THE "SUPPLEMENT TO THE GAZETTE OF INDIA," DATED MARCH 2, 1907.

GOVERNMENT OF INDIA.

DEPARTMENT OF REVENUE AND AGRICULTURE.

FAMINE.

THIRD REPORT OF THE BOARD OF MANAGEMENT OF THE INDIAN PEOPLE'S FAMINE TRUST COVERING THE CALENDAR YEAR 1906.

No. 397-15-2, dated Calcutta, the 25th February 1907.

Board's Proceedings and grants for the relief of distress.

1. Four meetings of the Board were held in the year 1906. The first was held in Calcutta on the 31st January 1906 and the other three at Simla on the 9th June, 23rd June and 28th July respectively.

2. At the first meeting the accounts for 1905 were passed. An application from the Agent to the Governor General in Central India to use R 1,114-5-5, the amount of unexpended balance in his hands, in granting advances to villagers within Residency limits for the purchase of grain and in generally assisting them, was considered at this meeting, but it was decided that the application must be refused as the objects proposed did not fall within the list of those upon which the Board is authorised to spend the money of the Trust. An application for the grant of 2 lakhs for the establishment of fodder depôts at Ajmer and Merwar was also considered and held over pending receipt of further information asked for by the Government of India.

3. In the month of May an application was received from the Agent to the Governor General in Central India asking for a grant of R 60,000 for the relief of distress among the inhabitants of States and Thakurates in the Bundelkhand Agency. The application was considered at the 2nd meeting of the Board on the 9th June and an immediate grant of R 10,000 was made—the question of further grants being held over.

4. At the 3rd meeting held on the 23rd June a further grant of R 40,000 was made for the relief of distress in the Bundelkhand Agency. An application from the Government of the United Provinces of Agra and Oudh for grants aggregating R 7 lakhs for relief purposes in the Agra and Allahabad Divisions was also considered and a grant of R 2,75,000 sanctioned, and it was decided at the same meeting to grant a sum of R 20,000 for the relief of distress in the Karauli State.

5. At the 4th meeting held on the 28th July further grants of R 20,000 and R 10,000 were sanctioned for relief in the Kishengurh State and Karauli State respectively.

Changes in the Board.

6. During the year the Honourable Sir Denzil Ibbetson, K.C.S.I., acted as Chairman of the Board while the Chairman, the Honourable Sir Francis Maclean, K.C.I.E., K.C., was absent from India on short leave and during the vacation. The Honourable Mr. H. W. W. Reynolds was appointed a member of the Board in place of the Honourable Mr. L. A. S. Porter, C.S.I., resigned, and Mr. O. T. Barrow succeeded Mr. A. F. Cox, C.S.I., as Honorary Secretary.

7. A statement of the assets of the Trust and an abstract of the accounts will be found in schedules I and II annexed.

8. No new investments were made in the year. On the other hand securities of the nominal value of 2 lakhs were sold in order to provide funds for the grants for the relief of distress. Government $3\frac{1}{2}$ per nent. securities of the face value of R 4,85,000 now stand in the joint names of the Comptroller General and of the Accountant General, Bengal. They do not form part of the endowment and are available for expenditure.

Investments, etc.

9. At the annual meeting held in January 1906 the desirability of making some arrangement with the Bank of Bengal for the receipt of interests upon the Board's balance in current account by short deposit or otherwise was recognised. In accordance with this arrangement, R one lakh was deposited at seven days' call on February 22nd, but the deposit had to be recalled on the 14th July owing to the necessity of providing funds for the relief of distress.

10. The Miscellaneous Receipts shown in Schedule II annexed consist of small subscriptions accepted with the approval of the Governor General in Council. They include an annual subscription of R 500 promised by the Raja of Athgarh.

11. The Miscellaneous Payments include an honorarium of R 100 paid to a Superintendent in the office of the Comptroller General for work done in connection with the Indian People's Famine Trust Board of Management and R 71-12 on account of contingent charges.

12. A donation of R 4,00,000 in Government Securities as an addition to the Endowment Fund was made during the year by His Highness the Maharaja of Jaipur in commemoration of the visit of T. R. H. the Prince and Princess of Wales, and with this addition the Endowment Fund now stands at R 28,10,000.

Endowment Fund.

O. T. BARROW,

Honorary Secretary, Board of Management of the Indian People's Famine Trust.

SCHEDULE I.

INDIAN PEOPLE'S FAMINE TRUST.

Statement showing details of Assets as at 31st December 1906.

	Amount.	TOTAL.
	R *a.* *p.*	*R* *a.* *p.*
Endowment Fund invested in Government Securities vested in the Treasurer of Charitable Endowments.		
Balance brought forward from 1905	24,10,000 0 0	
Additions during the year—Additional Endowment by the Maharaja of Jaipur.	4,00,000 0 0	
TOTAL ENDOWMENT FUND ...		28,10,000 0 0
Government Securities representing assets temporarily invested.		
Balance brought forward from 1905	6,85,000 0 0	
Add—Further purchases during the year ...	*Nil*	
Less—Sales during the year	2,00,000 0 0	
Balance at close of the year		4,85,000 0 0
Cash in Bank of Bengal		59,695 7 2
TOTAL AVAILABLE FOR EXPENDITURE ...		5,44,695 7 2
GRAND TOTAL ...		33,54,695 7 2

SCHE

ACCOUNTS OF THE INDIAN

Abstract of cash transactions

Receipts.	Amounts.	TOTAL.
	R a. p.	R a. p.
Interest on Government Securities vested in the Treasurer of Charitable Endowments.	91,350 0 0	...
Interest on Government Securities, &c., representing assets temporarily invested.	21,694 2 2	...
Proceeds of the sale of Government Securities ...	1,97,863 8 8	...
Refunds	...	...
Transfer of balances from Provincial Committees administering grants for relief of distress.	1,115 1 2	...
Miscellaneous Receipts	766 7 3	...
Deposit on account of endowment of the Maharaja of Jaipur.	4,00,000 0 0	...
Total Receipts ...		7,12,789 3 3
Opening balance, 1st January 1906		1,22,078 1 11
GRAND TOAL ...		8,34,867 5 2

DULE II.

PEOPLE'S FAMINE TRUST.

for the year 1906.

Payments.	Amounts.	TOTAL.
	R *a. p.*	*R.* *a. p.*
Purchase of Government Securities	...	...
Grants for relief of distress	3,75,000 0 0	...
Miscellaneous Payments, Honorarium R. 100; Telegram charges R. 71-12-0; Receipt Stamps R. 0-2-0.	171 14 0	...
Refund of deposit on account of endowment of the Maharaja of Jaipur.	4,00,000 0 0	...
Total Payments ...	...	7,75,171 14 0
Closing balance on 31st December 1906 ...	...	59,695 7 2
GRAND TOTAL ...	...	8,34,867 5 2

Punjab Government Press, Lahore—7-3-07—799.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, MARCH 14, 1907.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED MARCH 9, 1907.

HOME DEPARTMENT.

NOTIFICATIONS.

ESTABLISHMENTS.

Calcutta, the 7th March 1907.

No. 292.—The Honourable Sir Denzil Charles Jelf Ibbetson, K.C.S.I., received charge of the office of Lieutenant-Governor of the Punjab and its Dependencies from the Honourable Sir Charles Montgomery Rivaz, K.C.S.I., on the afternoon of the 5th March 1907.

POLICE.

The 8th March 1907.

No. 229.—The Governor General in Council having been pleased to prescribe a standard pattern of uniform for the use of all gazetted European officers of the Indian police force, the following regulations relating thereto are published for general information. No officer now in the service will be required to provide himself with the new uniform until the articles which he now possesses are worn out :—

UNIFORM FOR GAZETTED OFFICERS OF THE INDIAN POLICE.

FULL DRESS—COLD WEATHER.

Helmet.—White, Wolseley pattern, with silver chin-chain fastening under the sides of the helmet by hooks. Spike of silver, cavalry pattern, with leaf pattern base. Rose-hook silver.

Pagri.—Plain dark blue silk.

Pagri badge.—Silver, Indian Police design, to be worn in the front of the helmet just above the dip of the *pagri*.

Tunic.—Dark blue cloth, lined with black Italian cloth and edged all round (except on the collar) with black mohair square cord. The collar edged with one inch black mohair braid with a tracing of braid below. Cuffs pointed, $2\frac{3}{4}$ inches deep; an Austrian knot of black mohair square cord extending to $8\frac{1}{4}$ inches high, a black tracing braided figure on cap below forming a treble 8. The skirt rounded off in front and closed behind. On each side of the breast five loops of black square cord, with netted caps and drops, fastening with black olivets. On each back seam a line of the same cord, forming three eyes at the top, passing under a netted cap at the waist, below which it is doubled, and ending in an Austrian knot reaching to the bottom of the skirt. Shoulder cords of black chain gimp fastened to a small netted black button.

Badges.—Silver metal—

Inspector-General—one crown and two stars.

Deputy Inspector-General—one crown and one star.

Superintendents, 3rd grade and above—one crown.

Superintendents, below 3rd grade—three stars.

Assistant Superintendents—two stars.

Probationers—one star.

The crowns when laid on the shoulder cords to be 1 inch broad and $\frac{7}{8}$ inch in height. The stars to be of the "Star of India" (five pointed) pattern and 1 inch broad.

Officers of all ranks will wear a silver departmental badge, "I. P.", in half inch block letters at the base of the shoulder strap.

Pantaloons.—Dark blue cloth, with strappings of black doeskin, and two stripes of $\frac{3}{4}$ inch plain mohair braid $\frac{1}{4}$ inch apart down the outside seams.

Overalls.—Dark blue cloth, with two stripes of $\frac{3}{4}$ inch plain mohair braid $\frac{1}{4}$ inch apart down the outside seams. Black leather foot-straps with steel buckle.

Boots.—Black Butcher boots for mounted duties and black Wellington boots for dismounted duties. Butcher boot to reach to about four inches from the top of the knee.

Spurs.—For mounted duties steel jack spurs with chain and leather straps. For dismounted duties steel crane-necked box spurs. For mounted duties the large square leather guard through which the spur strap passes should be worn.

Gloves.—White doeskin or buckskin.

Sword.—Straight, 1896 Infantry pattern, with half basket hilt in white metal, and device "I. P." and crown.

Sword belt.—Dark blue webbing. White enamelled leather slings 1 inch wide fitted with silver plated buckles and studs.

Sword knot.—Silver cord and acorn.

Shoulder belt.—White enamelled leather 2 inches wide with silver ornamented buckle, tip and slide, with "I. P." in the centre of the tip.

Pouch.—White enamelled leather 6 inches wide and $3\frac{1}{2}$ inches deep, with the Indian Police badge in silver in the centre. Fittings of silver.

Greatcoat.—Dark blue cloth, double breasted, to reach within a foot of the ground. Stand and fall collar $4\frac{1}{2}$ inches deep, with a fly to cover the band of the cape when buttoned on. Loose round cuffs 6 inches deep. Two pockets with flaps at the waist in front. Two openings behind at the side seams, with pointed flaps 11 inches long at the points. A pocket inside the left breast. A slit 6 inches deep in the left side for the hilt of the sword to pass through. An opening behind long enough to reach to the cantle of the saddle, with a gusset commencing at the top of the opening and extending downwards to about 24 inches with about 19 inches width at the bottom, a tap with a button-hole near the bottom of the gusset to close it when the coat is worn on foot. Two rows of large Indian Police pattern buttons down the front, 6 in each row, the top buttons 6 inches apart, the bottom ones 4 inches from centre to centre; 3 large Indian Police pattern buttons on each skirt-flap; 4 small silk-covered buttons at the opening behind and 5 flat buttons under the fly at the collar. A cloth back-strap, attached to the top button of the skirt-flap to confine the coat at the waist, a button hole in the centre of the strap. Two hooks and eyes to the collar. Shoulder-straps on the coat of the same material as the garment, fastening with a small Indian

Police pattern button at the top. Cape of the same cloth as the coat and long enough to cover the knuckles, with four small buttons in front and fastening at the neck with a silver chain and hook.

Forage cap.—Blue cloth with three cloth welts, 3¼ inches total depth, diameter across the top 8¼ inches for a cap fitting 21¾ inches in circumference, the top to be ⅛ inch larger or smaller in diameter for every ¼ inch by which the cap may vary in size of head above or below the before-mentioned standard, *e. g.*, for a cap 22¼ inches in circumference, the diameter across the top to be 8½ inches, and for a cap 21 inches in circumference, the diameter to be 7⅞ inches. The sides to be made in four pieces and to be 1½ inches deep between the welts. A band of black mohair oakleaf lace 1¾ inches wide to be placed between the two lower welts. Indian Police pattern badge to be worn in the centre of the band in front The cap to be set up on a band of stiff leather or other material 1¾ inches deep. Chin strap of black patent leather ⅜ inch wide buttoned on to two gorget buttons of Indian Police pattern placed immediately behind the corners of the peak.

The peak of the cap will be of the following pattern :—

For Inspector-General—Patent leather, embroidered all round with plain silver embroidery. Depth in the middle 2 inches. To drop at an angle of 45 degrees.

For Deputy Inspectors-General and Superintendents, 3rd grade and upwards.—As for Inspector-General but embroidered on front edge only.

For all other officers—Plain patent leather peak.

FULL DRESS—HOT WEATHER.

Frock.—Plain white drill, full in the chest. Shoulder straps of the same material, fastened at the top with a small Indian Police pattern button. Stand-up collar of the same material as the frock, cut square with two hooks and eyes. Five small buttons of Indian Police pattern down the front. One inside breast pocket. Cuffs pointed, 5 inches high at the point and 2½ inches behind. The frock to be of sufficient length just to clear the saddle when mounted.

Overalls.—Plain white drill, with black leather footstraps

Pantaloons.—Plain white drill, with double inside strapping at the knees.

Forage cap.—The cold weather forage cap to be worn with a white cover.

Remaining items as for cold weather full dress.

WORKING DRESS.

Helmet.—Wolseley pattern, covered with khaki. No metal fixings. Brown leather chin strap ⅜ inch wide.

Pagri.—Dark blue.

Frock.—Khaki drill, single-breasted, cut as a lounge coat to the waist, very loose at the chest and shoulders but fitted at the waist A 2¼ inches expanding pleat down the centre of the back, sewn down below the waistband, and a waist-seam and band 2¼ inches wide. Military skirt to bottom edge. A silverplated hook on each side at the waist. Collar to be cut as in an ordinary civilian lounge coat. Two crosspatch breast pockets above 6½ inches wide and 7½ inches deep to the top of the flap, with a 2¼ inches box pleat in the centre. Two expanding pockets below the waist (pleats at the sides) 9½ inches wide at the top, 10½ inches at the bottom, 8 inches deep to the top of the pocket, fastened at the top with a small Indian Police pattern button: flap, with button hole, to cover pockets, 3½ inches deep and 10¾ inches wide sewn into the bottom edge of the waistband : the top of the pockets to be sewn down at the corners in such a manner that the pocket can be expanded at the top also. Outside ticket pocket in top of waistband on the right side. Inside watch pocket, with leather tab above for chain or strap. Four medium Indian Police pattern buttons down the front, the bottom button on the lower edge of the waistband. Pointed cuffs with opening fastened with two small Indian Police pattern buttons. Shoulder-straps of same material as garment. The frock to be worn with a white linen collar and dark blue silk sailor knot tie.

NOTES.—For district work a khaki scarf of hunting pattern may be worn instead of linen collar.

Overalls.—Khaki drill with black leather foot-straps.

Breeches.—Khaki Bedford cord, strapped with the same material.

Leggings.—Brown leather, fitting at ankle and fastened by three small straps and steel buckles.

Boots.—Ankle, plain brown leather with plain toe caps.

Spurs.—For mounted duties—jack, steel, with chain and strap. With overalls—boots and spurs as in full dress dismounted.

Belt.—Sam Browne, army regulation pattern. The strap over the left shoulder should not be worn except when it is required to support the revolver.

Sword.—Same as for full dress.

Sword knot.—Brown leather with acorn.

Scabbard.—Brown leather, as worn with Sam Browne belt.

Badges.—Same as for full dress.

Field cap.—Khaki cloth with a crown of dark blue cloth, about 4½ inches high and not less than 3¾ inches across the top. Crown shaped similar to the glengarry. Folding peak in front. Flaps at the sides to let down, lower flaps to fasten under the chin when unfolded, and when folded fastening to the front of the cap with two gorget Indian Police pattern buttons. Silver badge on left side 3½ inches from the front and 1 inch from the top of the cap measured from the centre of the badge.

Greatcoat.—As in full dress, but if desired a short overcoat of the following description may be worn:—

Overcoat.—Khaki serge according to climate, cut with whole back 32 inches long for a man 5′ 8″ in height and 1 inch longer or shorter for every 2 inches variation in height. Slits at sides 5 inches long. Five large Indian Police pattern buttons down the front. Two breast patch pockets outside in line with second button, 7 inches wide and 8 inches deep, with three-pointed flap and small Indian Police pattern button. Two patch pockets below in line with the bottom button, 8 inches wide and 9 inches deep, with flap and small Indian Police pattern button. Collar stand and roll 5 inches deep at the back and 4½ inches deep at the front and fastened with one hook and eye. Collar-tab to button across neck if required. Sleeves finished with a turn-back cuff 4 inches deep. Shoulder straps of the same material as the coat, fastened with small Indian Police pattern button at collar seam and with badges of rank. Lining according to climate. An inside pocket between facing and lining, with opening 4½ inches from neck and extending to 11 inches down.

MESS DRESS—COLD WEATHER.

Mess jacket.—Blue cloth, pointed cuffs, 5 inches high at point and 2½ inches behind, of the same material. Roll collar of black silk. Shoulder-straps of blue cloth, tacked under the collar, with badges of rank as in full dress. Collar badges on the lappels 5 inches from the shoulder seam. Miniature medals to be worn on the left lappel, below the collar badge.

Mess waistcoat.—White marcella, open at the front and without collar, to be fastened with 4 small regulation buttons.

Collar and necktie.—Collar, plain white linen, with black necktie.

Overalls.—As in full dress.

Boots.—Wellington, black patent leather.

Spurs.—As in full dress (dismounted).

MESS DRESS—HOT WEATHER.

Mess jacket.—White drill without braid or buttons. Roll collar. Shoulder straps of similar material with a small Indian Police pattern button at the top. One inside breast pocket. Sleeves cut plain, with pointed cuffs 5 inches high at point and 2½ inches behind. Badges of rank and collar badges as in cold weather mess dress.

Waistcoat.—As in cold weather mess dress.

Collar and necktie.—As in cold weather mess dress.

Overalls.—White drill with black leather footstraps.

Boots and spurs.—As in cold weather mess dress.

HORSE FURNITURE.

Head collar.—Of bridle leather. The head nose-band and back-stay $1\frac{1}{8}$ inches in width and the throat-lash $\frac{3}{4}$ inch in width. The collar fitted with nickel-plated buckles and rings. The brow-band of dark blue enamelled leather with rosettes of the same material mounted on silver.

Bit, Portmouth.—Of steel, with medium port, bent branch, pads and bottom bar; fitted with two steel curb-hooks and a graduated double-link curb-chain. Silver-plated bosses of Indian Police design, secured to the bits by copper shanks.

Bit head.—Of bridle leather $\frac{3}{4}$ inch wide, fitted with a $\frac{3}{4}$ inch silver-plated double buckle, and buckled on to bit.

Bit reins.—Of bridle leather $\frac{7}{8}$ inch in width, fitted with billets and $\frac{7}{8}$ inch silver-plated double buckles.

Bridoon bit.—Plain mouthpiece with rings $1\frac{3}{4}$ inches in diameter and tees $5\frac{1}{4}$ inches in length.

Bridoon reins.—Of bridle leather $\frac{3}{4}$ inch in width, buckled on to the bridoon; the hand part to overlap and neatly sewn.

Girths.—Dark blue.

Head rope.—$1\frac{1}{2}$ inches white cotton rope fitted at one end with a brown leather billet having a silver-plated double buckle; the other end whipped.

Runners, stirrup leather.—Of silver-plate, $1\frac{7}{16}$ inches by $\frac{1}{2}$ inch by $\frac{7}{8}$ inch internal measurement; outside edges bevelled and inside rounded.

Saddle.—Ordinary hunting, fitted with necessary D's.

Wallets.—12 inches in length and $5\frac{1}{2}$ inches in width, lined with check waterproof material; the backs of crop butt leather; the connecting band of collar back; the fronts, covers, gussets, pocket and inside loop of bag hide. An ammunition pocket fitted inside the near wallet, and a loop for pistol inside the off wallet. The back of each wallet furnished with two loops.

APPENDIX.

The Indian Police device for use on badges and on buttons.



Badges.

For pouch $2\frac{1}{2}$ inches in height.
„ helmet $2\frac{1}{2}$ „ „
„ cap $1\frac{5}{8}$ „ „
„ collar $1\frac{1}{4}$ „ „

Buttons.

Convex, die-struck and embossed.
Large 40 lines.
Medium 30 „
Small 24 „
Gorget 20 „

H. H. RISLEY,
Secretary to the Government of India.

FINANCE DEPARTMENT.

NOTIFICATIONS.

SEPARATE REVENUE.

OPIUM.

RATES OF DUTY.

Calcutta, the 5th March 1907.

No. 1355 *A.*—The Governor General in Council is pleased to direct that in the Notifications of the Government of India in the Finance and Commerce Department No. 4709, dated the 3rd November 1882, and No. 2930 A., dated the 6th May 1904, the figures and letters "140 lbs." shall be substituted, with effect from this date, for "140¼ lbs."

ACCOUNTS AND FINANCE.

MINT.

The 7th March 1907.

No. 1425-*A.*—The following statements showing the position of the Gold Standard Reserve are published for general information :—

I. Statement of Receipts, Charges and Balance of the Reserve for the quarter ending on the 31st December 1906 :—

	Dr.		Cr.
Opening Balance	14,885,537		
Net profit on coinage	1,040,440		
Interest on investments (including discount on Treasury Bills).	97,479	Closing Balance ...	16,023,456
TOTAL ...	16,023,456	TOTAL ...	16,023,456

II. Statement showing the form in which the balance of the Reserve was held on the 31st December 1906 :—

		£
1.	As a book credit	987,390*
2.	Silver bullion† in India sufficient to coin rupees equivalent to	69,540
3.	British Government 2½ per cent. consolidated stock, 2¾ per cent. National War Loan Stock, 3 per cent. Local Loans Stock, 3 per cent. Transvaal Government Guaranteed Stock and 2¾ per cent. Irish Land Guaranteed Stock of the nominal value, of £7,903,132, £1,289,516, £500,000, £1,494,324, £538,720 respectively and Treasury Bills for £1,500,000.	12,433,193
4.	Temporary Loan to the Government of India at 3½ per cent. interest ...	2,533,333
	TOTAL ...	16,023,456

*The whole of this has since been paid to the Reserve in the form of rupees.

†Has since been coined into rupees.

The 8th March 1907.

No. 1448-*A.*—1. In exercise of the power conferred by section 16 of the Indian Coinage Act, 1906 (III of 1906), and in supersession of all notifications previously issued in this behalf, the Governor General in Council is pleased to authorise the undermentioned persons to cut, or break, diminished or defaced silver coins, namely :—

(1) Every officer in charge of a District Treasury, a Sub-Treasury, or a Military Treasure Chest.

(2) Every Commissioner, Deputy Commissioner and Assistant Commissioner of the Department of Paper Currency.

(3) The Mint Masters, Calcutta and Bombay.

(4) The Collectors of Customs at Calcutta, Bombay, Madras, Rangoon, Chittagong and Karachi.

(5) The Judges of the Courts of Small Causes at Calcutta, Sealdah and Rangoon.

(6) The Registrar, Chief Court, Rangoon.

(7) The Secretary and Treasurer of each of the Presidency Banks and every Agent in charge of a branch of any of the said Banks.

(8) The Chairman and Vice-Chairman of the Commissioners for the Port of Calcutta, of the Commissioners for the Port of Rangoon, of the Commissioners for the Port of Chittagong, and of the Trustees of the Port of Karachi; the Chairman of the Trustees of the Port of Bombay, and of the Trustees of the Port of Madras; and the Port Engineer of the Port of Chittagong.

(9) The Chairman, Vice-Chairman, Deputy Chairman and Secretary to the Municipal Corporation of Calcutta; the Municipal Commissioner and Deputy Municipal Commissioner for the City of Bombay and the Secretary of the Municipal Corporation of the City of Bombay; the President of the Municipal Corporation of Madras; and the President Vice-President and the Secretary of the Rangoon Municipality and of the Mandalay Municipality.

2. In exercise of the power conferred by section 20 of the same Act, and in supersession of all notifications previously issued in this behalf, the Governor General in Council is pleased to authorise the undermentioned persons to cut or break counterfeit silver coins namely:—

(1) Every person authorised to act under section 16 of the said Act, and

(2) The Manager, Agent, Secretary, or other principal officer of the several offices and agencies (if any) in India of each of the Banks and firms specified in the schedule annexed to this notification.

3. And in exercise of the powers conferred by section 21 of the same Act, the Governor General in Council is pleased to prescribe the following rules, namely:—

(1) A loss of $6\frac{1}{4}$ per cent. below standard weight in the case of the rupee and half-rupee and of $12\frac{1}{2}$ per cent. in the case of the quarter-rupee and eighth of a rupee, shall be the limit of reasonable wear; and a loss of 25 per cent. below standard weight shall be the further percentage referred to in section 17 of the Act, in the case of all silver coins.

(2) Where a rupee or a half-rupee, which has been diminished in weight so as to be more than 2 per cent. but not more than $6\frac{1}{4}$ per cent. below standard weight, and which has not been fraudulently defaced, is tendered to any person authorised to act under section 16 of the Act such person shall accept the coin at its nominal value and the coin shall thereupon be withdrawn from circulation at Government cost.

(3) Where a rupee or a half-rupee, which has been diminished in weight so as to be more than $6\frac{1}{4}$ per cent. but not more than 25 per cent. below standard weight, and which has not been fraudulently defaced, is tendered to any person authorised to act under section 16 of the Act, such person shall, if the tenderer so requests, instead of returning the cut coin, accept it at the following rates, namely:—

(a) rupees and half-rupees weighing between $\frac{15}{16}$ths and $\frac{7}{8}$ths of their proper weight, at rates of 14 annas and 7 annas, respectively;

(b) rupees and half-rupees weighing between $\frac{7}{8}$ths and $\frac{13}{16}$ths of their proper weight, at rates of 13 annas and $6\frac{1}{2}$ annas, respectively; and

(c) rupees and half-rupees weighing between $\frac{13}{16}$ths and $\frac{3}{4}$ths of their proper weight, at rates of 12 annas and 6 annas, respectively.

(4) Where a quarter-rupee or an eighth of a rupee which has been diminished in weight so as to be more than $12\frac{1}{2}$ per cent. but not more than 25 per cent. below standard weight and which has not been fraudulently defaced, is tendered to any person authorised to act under section 16 of the Act, such person shall, if the tenderer so requests, instead of returning the cut coin, accept it at its nominal value, and it shall thereupon be withdrawn from circulation at Government cost.

(5) Silver coin received by Government officers under these rules and withdrawn from circulation shall, whether or not it has been cut or broken under these rules, be sent by the first convenient opportunity to the Master of the Mint

at Bombay or Calcutta, or to any principal Treasury appointed by the Accountant General or Comptroller to receive such coin for remittance to the mint. Such coin will be credited in the officer's cash balance as "uncurrent coin" at the actual value at which it has been received, and on transfer to the mint will be credited at the rates prescribed in these rules any loss incurred in re-coinage being taken as a charge of the mint.

(6) Silver coin received by a person other than a Government officer under these rules and withdrawn from circulation shall, whether or not it has been cut or broken under these rules, be sent to the nearest Government Treasury, where it will he paid for at the rates respectively prescribed in these rules, and thereafter it will be dealt within the manner prescribed in clause ([illegible]

(7) In cutting or breaking any diminished, defaced or counterfeit coin, Government officers and other persons authorised in this behalf shall not completely divide the coin, as identification of the parts of a coin becomes practically impossible if the pieces are wholly separated.

(8) Persons authorised under section 20 of the Act to cut or break counterfeit silver coins should not receive and pay for the coin according to the value of the silver bulliou contained therein as permitted under that section, save where from the excellence of the execution or from any other cause it seems desirable that the coin should be acquired as a specimen. The cost of paying for the coin will be charged to Government. The broken pieces of coins so paid for should be forwarded to the Mint at Calcutta or Bombay.

(9) The officers specified in clauses (·), (2), (3), and (7) of paragraph 1 of this notification are hereby authorised to accept sovereigns and half sovereigns where such coins have lost weight so as to be of less weight than that for the time being prescribed for light coins by or under the Coinage Act, 1870, as the least current weight, at the following rates, namely :—

(a) when such coins have not been reduced by more than three grains below standard weight, that is, are not less in weight than grains 120·27447 and 58·63723, respectively, at their face value, and

(b) when such coins are of less weight than grains 120·27447 and 58·63723, respectively, at their bullion value by weight:

Provided that such coins have not been illegally dealt with, that is, have not been impaired, diminished or lightened, otherwise than by fair wear and tear, or defaced by having any name, word, device or number stamped thereon, whether the coin has or has not been thereby diminished or lightened.

(10) Light weight gold coins received under the preceding clause shall not be reissued to the public.

(11) In determining the loss of weight in the case of gold or silver coins, to which solder or other metal has been attached, the weight of such solder or other metal shall not be taken into account.

Schedule referred to in paragraph 2 (2) of the Notification.

Banks—

Allahabad Bank.

Alliance Bank of Simla.

Bank of Burma.

Bank of Rangoon.

Bank of Upper India.

Benares Bank.

Chartered Bank of India, Australia and China.

Commercial Bank of India.

Delhi and London Bank.

Deutsch-Asiatische Bank.

Schedule referred to in paragraph 2 (2) of the Notification—continued.

Hongkong and Shanghai Banking Corporation.
Mercantile Bank of India.
National Bank of India.
Native Commercial Bank.
People's Banking and Commercial Association.
Punjab Banking Company.
Russo-Chinese Bank.

Bankers—

Raja Gokhuldas Gopaldas, Jubbulpore.
Ram Dayal Gourdhan Dass, Lahore.
Seth Bik Chand, Rai Bahadur, Quetta.
" Chuni Lal, Agra.
" Keshowdass Naraindass, Quetta.
" Poonam Chand Deep Chand, Indore.
" Ramsukh Sadasukh, Indore.
" Sobhagmal Dhadda, Rai Bahadur, Ajmer.

Firms—

Messrs. A. and J. Main & Co., Calcutta.
The Arracan Co., Rangoon.
Messrs. Balthazar & Son, Rangoon.
" Barnett Brothers, Rangoon.
" Best & Co., Madras.
" Birkmyre Brothers, Calcutta.
The Bombay Burma Trading Company, Rangoon.
Messrs. Bullock Brothers & Co., Chittagong.
" Clements, Robsons & Co., Amritsar.
" Cooper Allen & Co., Cawnpore.
" Cox & Co., Bombay.
" David Sassoon & Co., Multan.
" Davi Sahai Chamba Mall, Amritsar.
" Dwarka Das Sewjee & Co., Calcutta.
The Elgin Mills Company, Cawnpore.
Messrs. Finlay, Fleming & Co., Rangoon.
" Finlay, Muir & Co., Chittagong.
" Forbes, Forbes, Campbell & Co., Calcutta and Bombay.
" Gangadas Maloo & Co., Indore.
" Gillanders, Arbuthnot & Co., Rangoon.
" Incharam & Co., Sialkot.
" J. F. Graham & Co., Rangoon.
" Joseph Heap & Sons, Rangoon.
" Jules Karpeles & Co., Calcutta.
" J. W. Darwood & Co., Rangoon.

Schedule referred to in paragraph 2 (2) of the Notification—concluded.

Messrs. King, King & Co., Bombay.
" Kruger & Co., Rangoon.
" Mohr Brothers & Co., Rangoon.
" Morrison, Dawn & Co., Rangoon.
The Muir Mills Company, Cawnpore
Messrs. Murray & Co., Lucknow.
New Egerton Woollen Mills Company, Dhariwal.
The North-West Tannery Company, Cawnpore.
Messrs. Parry & Co., Madras.
The Planter's Stores Agency Company, Chittagong.
The Ruby Mines Company, Limited, Mogok.
Messrs. Thomas Cook & Son, Calcutta, Bombay and Rangoon.
" Turner, Morrison & Co., Chittagong.
" Volkart Brothers, Bombay.
" Walker & Co., Madras.
The Woollen Mills Company, Cawnpore.

J. S. MESTON,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATION.

RESOLUTION.

EMIGRATION.

Calcutta, the 7th March 1907.

No. 2155-2160-17.—The Government of India have received through His Majesty's Secretary of State a communication from the British Consular authorities at San Francisco to the effect that there is very little prospect of employment for Indian labourers in California.

2. The Governor General in Council accordingly requests all Local Governments and Administrations to make the above intimation generally known, particularly in places from which emigration to California is believed to be most common. Steps should be taken to warn intending emigrants at the ports of embarkation of the risks they run in proceeding to that State.

The Secretary to the Government of Madras.
" " " " Bombay.
" " " " Bengal
" " " " the United Provinces.
" " " " the Punjab.
" " " " Burma.
" " " " Eastern Bengal and Assam.
" Hon'ble the Chief Commissioner of the Central Provinces.
" Chief Commissioner of Coorg.
" " " Ajmer-Merwara.
" Hon'ble the Chief Commissioner of the North-West Frontier Province.
The Hon'ble the Agent to the Governor General in Baluchistan.

Ordered that a copy of the above Resolution be forwarded, for information and guidance, to the Local Governments and Administrations noted in the margin and to the Home and Foreign Departments, for information.

Ordered also, that a copy be published in the *Gazette of India*, for general information.

B. ROBERTSON,

Offg. Secretary to the Government of India.

Punjab Government Press, Lahore—14-3-07—790.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, MARCH 21, 1907.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED FEBRUARY 9, 1907.

FOREIGN DEPARTMENT.

NOTIFICATION.

Fort William, the 8th February 1907.

No. 534-*I. B.*—Whereas the Governor General in Council has and exercises full jurisdiction within those portions of the land forming the Bangalore Branch of the Madras Railway (including the land occupied by stations and out-buildings and for other purposes connected with the Railway) which lie within the territories of His Highness the Maharaja, of Mysore;

2. And whereas the Chiefs of Morvi, Wankaner, Wadhwan, Lakhtar, Sayla, Muli, Dhrol and Rajkot, and the Talukdars of Gavridad and Kotharia, in Kathiawar, have ceded to the British Government the civil and criminal jurisdiction exercised by them within the lands which lie within their respective territories and are occupied by the Morvi Railway (including the lands occupied by stations and out-buildings and for all other purposes connected with the Railway and the lands occupied by culverts or bridges over which the Railway passes); and whereas the Governor General in Council now has full jurisdiction within those lands;

3. And whereas the Rulers or Administrators of the other States mentioned in the second column of the schedule hereto annexed have ceded to the British Government full jurisdiction, or all the jurisdiction they had or the jurisdiction necessary for the administration of Railways and of civil and criminal justice in connection therewith, within the lands which lie within their respective territories, or which lie within the parts of their respective territories mentioned or referred to in the third column of the said schedule, and are occupied, or may be hereafter occupied by the Railways mentioned opposite their names, respectively, in the first column of the said schedule (including the lands occupied by stations and out-buildings and for other purposes connected with the Railway); and whereas the Governor General in Council now has full jurisdiction within those lands;

4. In exercise of the jurisdiction referred to, and of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor General in Council is pleased to issue the following orders which shall take effect from the 1st July 1907:—

I.—The provisions, so far as they may be suitable, and as amended for the time being and from time to time by subsequent enactments of the Indian Railways Act, 1890 (IX of 1890) and the Indian Railways Board Act, 1905 (IV of 1905), shall apply to all the aforesaid lands.

II.—In exercise of the power conferred by section 16, read with section 148, sub-section (1), of the said Act so applied, the Governor General in Council is pleased to sanction the use of locomotive engines or other motive power and rolling-stock to be drawn or propelled thereby, on all Railways occupying any of the aforesaid lands.

III.—The general rules for working open lines of railway administered by the Government which were published under the Notification of the Railway Board, No. 183, dated 8th September 1906, in the Supplement to the *Gazette of India* for 1906, page 1923, shall, as modified for the time being and from time to time for British India, apply to all lines of railway administered by the Government occupying any of the aforesaid lands, and for the time being used for the public carriage of passengers, animals or goods.

IV.—The general rules published under the Notification of the Railway Board, No. 183, dated the 8th September 1906, shall also apply to—

(*a*) lines of railway not administered by the Government, occupying any of the aforesaid lands and for the time being used for the public carriage of passengers, animals or goods from such dates and with such modifications as may from time to time be prescribed in respect of their application to the portions of such lines respectively which lie in British India, or to the respective railway systems in British India which administer such lines ;

(*b*) the railways comprised in the undertaking of the Nizam's Guaranteed State Railways Company and the Morvi Railway, from such dates and with such modifications as may from time to time be prescribed in respect of their application to the Bezwada Extension Railway, and to the Bhavnagar-Gondal-Junagad-Porbandar Railway respectively.

V.—The general rules for working railways under construction and not used for the public carriage of passengers, animals or goods which were published under the Notification of the Government of India in the Public Works Department, No. 480½, dated the 30th October 1890, in the *Gazette of India* for 1890, Part I, page 795, shall apply to such portions of the railways occupying any of the aforesaid lands as may for the time being be under construction or sanctioned for construction.

VI.—Subject to the modifications prescribed in the Notifications of the Government of India in the Public Works Department, Nos. 301 and 395, dated respectively the 27th August 1902 and 27th October 1903, published in the *Gazette of India*, 1902, Part I, pages 650 and 651, and in the *Gazette of India*, 1903, Part I, page 951, respectively, and any further modifications from time to time prescribed for British India, the rules framed under sections 84 and 85 of the said Indian Railways Act, 1890, which are appended to the Circular of the Government of India in the Public Works Department, No. III Railway, dated the 14th February 1902, published in the *Gazette of India*, 1902, Part I, pages 193 to 195, and the directions contained in that Circular shall apply to the railways occupying the aforesaid lands.

VII.—In exercise of the authority given by section 135 of the said Indian Railways Act, 1890, applied as aforesaid, the Governor General in Council is pleased to declare that the provisions of the Notifications of the Government of India in the Public Works Department, No. 270, dated the 12th June 1890 published in the *Gazette of India* for 1890, Part I, page 438, and No. 136, dated the 5th April 1893, published in the *Gazette of India* for 1893, Part I, page 190, declaring Railway administrations in British India to be liable to pay certain taxes in aid of the funds of local authorities, shall apply, and shall be deemed to have applied (save as regards any tax actually paid or accrued due before the date of this notification), with effect from the dates which they bear, respectively, to the administrations of the railways occupying the aforesaid lands.

VIII.—In exercise of the power conferred by section 144 of the said Indian Railways Act, 1890, applied as aforesaid, the Governor General in Council is pleased to delegate to Local Governments, to the extent and subject to the conditions hereinafter specified, the following powers and functions which are now vested in him under the said Act so applied, the powers and

functions hereby delegated being liable to be revoked or varied, and thel exercise and discharge thereof to be controlled, as the Governor-General in Council may from time to time think fit :—

(1) *Sections 7, 9 and 11.*—All the powers and functions of the Governor General in Council, subject to the proviso that the exercise and discharge of such powers and functions shall not entail any expenditure in excess of the general powers of sanction of the Loca Government concerned.

(2) *Section 48.*—All the powers and functions of the Governor General in Council but only in cases where the railways concerned are under the control of one and the same Local Government.

(3) *Section 51, clauses (a), (b), (c), (d), and (e), and section 55.*—All the powers and functions of the Governor General in Council.

(4) *Section 63.*—The power of determining the vernacular languages in which the maximum number of passengers to be carried in each compartment shall be exhibited.

(5) *Section 83.*—The power of notifying the Magistrates and Police Officers to whom notices of railway accidents are to be given.

IX.—The Governments and authorities mentioned in the fourth column of the schedule hereto annexed shall be deemed, for the purposes of the said Indian Railways Act, 1890, applied as aforesaid, and of clause VIII of this notification, to be the Local Governments in respect to such parts of the railways mentioned opposite their names, respectively, in the first column of the said schedule, as are situate within the territories of the States mentioned opposite their names, respectively, in the second column of the said schedule.

X.—The following Notifications of the Government of India in the Foreign Department are hereby cancelled :—

No. 3063-I.B.,	dated the	13th August 1897.
" 322-I.B.,	"	4th February 1898.
" 3203-I.B.,	"	25th November 1898.
" 2255-I.B.,	"	19th August 1898.
" 1155-I.B.,	"	7th March 1900.
" 1294-I.B.,	"	16th March 1900.
" 4863-I.B.,	"	2nd November 1900.
" 1280-I.B.,	"	26th March 1901.
" 1433-I.B.,	"	12th April 1901.
" 1835-I.B.,	"	10th May 1901.
" 1246-I.B.,	"	13th March 1903.
" 2989-I.B.,	"	26th June 1903.
" 428-I.B.,	"	29th January 1904.
" 4352-I.B.,	"	2nd December 1904.
" 3191-I.B.,	"	26th August 1904.
" 2852-I.B.,	"	21st July 1905.
" 3765-I.B.,	"	15th September 1905.
" 639-I.B.,	"	16th February 1906.

SCHEDULE.

Railway lands on which the Government of India exercise jurisdiction.

Railway.	State.	Specified parts of the State within which jurisdiction has been ceded over Railway lands.	Government or Authority deemed to be the "Local Government."
1	2	3	4
Ahmedabad-Parantij Railway.	Baroda	...	The Government of Bombay.
Ditto ...	Idar	...	Ditto.
Agra-Delhi Chord Railway	Bharatpur	...	Agent to the Governor General, Rajputana.
Anand-Petlad-Cambay Railway.	Baroda	...	The Government of Bombay.
Ditto ...	Cambay	...	Ditto.
Barsi Light Railway ...	Hyderabad	...	Ditto.
Ditto ...	Miraj (Senior) ...	The villages of Rople and Modnimb.	Ditto.
Bengal-Dooars Railway ...	Cooch Behar ...	...	The Government of Bengal.
Bengal-Nagpur Railway ...	Bamra	...	Ditto.
Ditto ...	Khairagarh	...	The Chief Commissioner of the Central Provinces.
Ditto ...	Nandgaon	...	Ditto.
Ditto ...	Raigarh	...	Ditto.
Ditto ...	Rewah	...	Ditto.
Ditto ...	Sakti	...	Ditto.
Ditto ...	Gangpur	The part of the State comprised in the Hingir Taluq.	The Government of Bengal.
Ditto ...	Ditto	The western parts of the State between the Sambalpur Road and Govindpur Railway Stations.	Ditto.
Ditto ...	Ditto	The eastern parts of the State.	Ditto.
Ditto ...	Khursawan	...	Ditto.
Ditto ...	Moharbhanj ...	...	Ditto.
Ditto ...	Seraikela	...	Ditto.
Bhavnagar-Gondal-Junagad-Porbandar Railway.			
(Dhoraji-Porbandar Section.)	Gondal	...	The Government of Bombay.
Ditto ...	Navanagar	...	(ditto)
Ditto ...	Porbandar	...	(ditto)
(Jetalsar-Rajkot Section) ...	Gadhka	...	(ditto)
Ditto ...	Gondal	...	(ditto)
Ditto ...	Jetpur	...	(ditto)
Ditto ...	Junagad	...	(ditto)

SCHEDULE—CONTINUED.

Railway lands on which the Government of India exercise jurisdiction—continued.

Railway.	State.	Specified parts of the State within which jurisdiction has been ceded over Railway lands.	Government or Authority deemed to be the "Local Government."
1	2	3	4
Bhavnagar-Gondal-Junagad-Porbandar Railway—*concluded.*			
(Jetalsar-Rajkot Section) ...	Katharia	...	The Government of Bombay.
Ditto ...	Kotda Sangani ...	...	
Ditto ...	Lodhika	...	
Ditto ...	Rajkot	...	
Ditto ...	Shapur	...	
Ditto ...	Virpur	...	
Bhopal-Ujjain Railway ...	Gwalior	...	The Agent to the Governor General in Central India.
Ditto ...	Indore	...	Ditto.
Ditto ...	Bhopal	...	Ditto.
Ditto ...	Dewas (Senior Branch)...	...	Ditto.
Ditto ...	Dewas (Junior Branch) ...	...	Ditto.
Bina-Goona Railway ...	Gwalior	...	Ditto.
Bombay, Baroda and Central India Railway.	Bajana	...	The Government of Bombay.
Ditto ...	Baroda	...	Ditto.
Ditto ...	Lakhtar	...	Ditto.
Ditto ...	Patri	...	Ditto.
Ditto ...	Wadhwan	...	Ditto.
Delhi-Umballa-Kalka Railway.	Kalsia	...	The Government of the Punjab.
Ditto ...	Patiala	...	Ditto.
Dhond-Manmad State Railway.	Hyderabad	...	The Resident at Hyderabad.
Dhrangadhra Railway ...	Dhrangadhra ...	...	The Government of Bombay.
Ditto ...	Wadhwan	...	Ditto.
Eastern Bengal State Railway.	Cooch Behar ...	...	The Government of Bengal.
Godhra-Rutlam-Nagda Railway.	Baria	...	The Government of Bombay.
Ditto ...	Gwalior	...	The Agent to the Governor General in Central India.
Ditto ...	Indore	...	Ditto.
Ditto ...	Jhabua	...	Ditto.
Ditto ...	Rutlam	...	Ditto.
Ditto ...	Sailana	...	Ditto.
Goona-Baran Railway ...	Gwalior	...	Ditto.
Ditto ...	Tonk	...	Ditto.

SCHEDULE—CONTINUED.

Railway lands on which the Government of India exercise jurisdiction—continued.

Railway.	State.	Specified parts of the State within which jurisdiction has been ceded over Railway lands.	Government or Authority deemed to be the "Local Government."
1	2	3	4
Goona-Baran Railway ...	Kotah	...	The Agent to the Governor-General in Rajputana.
Great Indian Peninsula Railway.	Hyderabad	...	The Resident at Hyderabad.
Ditto ...	Kurundwar	The villages of Baroti, Dudhani and Rupewadi.	The Government of Bombay.
Indian Midland Railway—			
(1) Jhansi-Agra Section	Dholpur	...	The Agent to the Governor General in Rajputana.
Ditto ...	Datia	...	The Agent to the Governor General in Central India.
Ditto ...	Gwalior	...	Ditto.
(2) Jhansi-Bhopal-Itarsi Section.	Bhopal	...	Ditto.
Ditto ...	Gwalior	...	Ditto.
Ditto ...	Khaniadhana ...	...	Ditto.
Ditto ...	Kurwai	...	Ditto.
Ditto ...	Orchha	...	Ditto.
(3) Jhansi-Cawnpur Section.	Samthar	...	Ditto.
(4) Jhansi-Manickpur Section.	Alipura	...	Ditto.
Ditto ...	Garrauli	...	Ditto.
Ditto ...	Orchha	...	Ditto.
Ditto ...	Pahra	...	Ditto.
Ditto ...	Taraon	...	Ditto.
(5) Saugor-Katni Section	Panna	...	The Chief Commissioner of the Central Provinces.
Jammu and Kashmir Railway.	Jammu	...	The Resident in Kashmir.
Jamnagar Railway ...	Navanagar	...	The Government of Bombay.
	Dhrol	...	
	Jalia	...	
	Pal	...	
	Rajkot	...	
Jodhpur-Bikaner Railway System.	Jodhpur	...	The Agent to the Governor General in Rajputana.
Ditto ...	Bikaner	...	Ditto.
Ditto ...	Patiala	...	The Government of the Punjab.
Kalka-Simla Railway ...	Baghat	...	Ditto.

SCHEDULE—CONTINUED.

Railway lands on which the Government of India exercise jurisdiction—continued.

Railway.	State.	Specified parts of the State within which jurisdiction has been ceded over Railway lands.	Government or Authority deemed to be the "Local Government."
1	2	3	4
Kalka-Simla Railway ...	Keonthal	...	The Government of the Punjab.
Ditto ...	Patiala	...	Ditto.
Kolar Gold Fields Railway	Mysore	...	The Resident in Mysore.
Kolhapur State Railway ...	Kolhapur	...	The Government of Bombay.
Ditto ...	Miraj	...	Ditto.
Ditto ...	Sangli	...	Ditto.
Kotri-Rohri Railway ...	Khairpur	...	Ditto.
Ludhiana-Dhuri-Jakhal Railway.	Jind	...	The Government of the Punjab.
Ditto ...	Maler Kotla ...	...	Ditto.
Ditto ...	Nabha	...	Ditto.
Ditto ...	Patiala	...	Ditto.
Madras Railway ...	Hyderabad	...	The Resident at Hyderabad.
Ditto (Bangalore Branch)	Mysore	...	The Resident in Mysore.
Mehsana-Viramgam Railway.	Baroda	The villages of Bhisana Boriavi, Hindwa, Hamuan Maknaj, Mehsana, Modipura, Nagalpur, Palawasna, and Sakhpura.	The Government of Bombay.
Ditto ...	The Katosan and Ilpura Estates of the Mahi Kantha Agency.	...	Ditto.
Morvi Railway ...	Dhrangadhra ...	...	Ditto.
Ditto ...	Dhrol	...	Ditto.
Ditto ...	Gavridad	...	Ditto.
Ditto ...	Kotharia	...	Ditto.
Ditto ...	Lakhtar	...	Ditto.
Ditto ...	Morvi	...	Ditto.
Ditto ...	Mali	...	Ditto.
Ditto ...	Rajkot	...	Ditto.
Ditto ...	Sayla	...	Ditto.
Ditto ...	Wadhwan	...	Ditto.
Ditto ...	Wankaner	...	Ditto.
Mysore State Railway (from and inclusive of the Harihar Railway Station to and inclusive of the Bangalore Railway Station, and from and inclusive of the Yeswantpur Junction Railway Station to the frontier of the State on the Bangalore-Hindupur Section).	Mysore	...	The Resident in Mysore.

SCHEDULE—CONTINUED.

Railway lands on which the Government of India exercise jurisdiction—continued.

Railway.	State.	Specified parts of the State within which jurisdiction has been ceded over Railway lands.	Government or Authority deemed to be the "Local Government."
1	2	3	4
The Railways comprised in the undertaking of the Nizam's Guaranteed State Railways Company.	Hyderabad	...	The Resident at Hyderabad.
Nagda-Muttra Railway ...	Gwalior	...	The Agent to the Governor General in Central India.
Ditto ...	Dewas (senior) ...	...	
Ditto ...	Dewas (junior) ...	...	
Ditto ...	Indore	...	
Ditto ...	Jhalawar	...	The Agent to the Governor General in Rajputana.
Ditto ...	Kotah	...	
Ditto ...	Bundi	...	
Ditto ...	Tonk	...	
Ditto ...	Jaipur	...	
Ditto ...	Karauli	...	
Ditto ...	Bharatpur	...	
Nagda-Ujjain Railway ...	Gwalior	...	The Agent to the Governor General in Central India.
North Western State Railway (the Sind, Punjab and Delhi line).	Kapurthala	...	The Government of the Punjab.
Ditto ...	Nabha	...	Ditto.
Ditto ...	Patiala	...	Ditto.
Oudh and Rohilkhand State Railway.	Rampur	...	The Government of the United Provinces.
Palanpur-Deesa Railway ...	Palanpur	...	The Government of Bombay.
Rajpipla State Railway ...	Rajpipla	...	Ditto.
Rajpura-Bhatinda Railway	Nabha	...	The Government of the Punjab.
	Patiala	...	
Rajputana-Malwa Railway—			
(1) Cawnpore-Achnera State Railway.	Bharatpur	...	The Agent to the Governor General in Rajputana.
(2) Holkar State Railway	Indore	The land to the south of the River Nerbudda.	The Chief Commissioner of the Central Provinces.
Ditto ...	Ditto	The land to the north of the River Nerbudda.	The Agent to the Governor General in Central India.
(3) Neemuch-Nasirabad State Railway.	Gwalior	...	Ditto.
Ditto ...	Meywar	...	The Agent to the Governor General in Rajputana.
Ditto ...	Tonk	...	Ditto.

SCHEDULE—CONTINUED.

Railway lands on which the Government of India exercise jurisdiction—continued.

Railway.	State.	Specified parts of the State within which jurisdiction has been ceded over Railway lands.	Government or Authority deemed to be the "Local Government."
1	2	3	3
Rajputana-Malwa Railway—*concluded.*			
(4) Kajputana State Railway.	Alwar	...	The Agent to the Governor General in Rajputana.
Ditto	Bharatpur ...	...	Ditto.
Ditto	Jaipur	...	Ditto.
Ditto	Jodhpur	...	Ditto.
Ditto	Kishangarh... ..	...	Ditto.
Ditto	Nabha	...	The Government of the Punjab.
Ditto	Pataudi	...	Ditto.
(5) Rewari-Ferozepore Railway.	Dujana	...	Ditto.
Ditto	Faridkot	...	Ditto.
Ditto	Jind	...	Ditto.
Ditto	Nabha	...	Ditto.
Ditto	Patiala	...	Ditto.
(6) Rewari-Phulera Chord Railway.	Ditto	...	Ditto.
Ditto	Nabha	...	Ditto.
Ditto	Jaipur	...	The Agent to the Governor General in Rajputana.
Ditto	Alwar	...	Ditto.
Ditto	Jodhpur	...	Ditto.
(7) Sindhia-Neemuch State Railway.	Dhar	...	The Agent to the Governor General in Central India.
Ditto	Gwalior	...	Ditto.
Ditto	Indore	...	Ditto.
Ditto	Jaora	...	Ditto.
Ditto	Rutlam	...	Ditto.
Ditto	Sailana	...	Ditto.
(8) Western Rajputana State Railway.	Baroda	...	The Government of Bombay.
Ditto	Palanpur	...	Ditto.
Ditto	Jodhpur	...	The Agent to the Governor General in Rajputana.
Ditto	Serohi	...	Ditto.
Shoranur-Cochin Railway...	Cochin	...	The Government of Madras.
Ditto ...	Travancore ...	...	Ditto.
South Indian Railway—Travancore Branch ...	Ditto ...	...	Ditto.

SCHEDULE—CONTINUED.

Railway lands on which the Government of India exercise jurisdiction—continued.

Railway.	State.	Specified parts of the State within which jurisdiction has been ceded over Railway lands.	Government or Authority deemed to be the Local Government.
1	2	3	4
Southern Mahratta Railway—			
(1) Main line ...	Hyderabad — ...	The villages of Angondankop, Bannikop, Basapur, Bhanapur, Bevinhalli, Bullapur, Dudagal, Ginigeri, Halgeri, Hatanbal, Hosahalli, Itgi, Khanapur, Kidadhal, Kuppal, Melenaikankop, Manapur, Rudrapur, Sompur, Talbal, Talkal and Yettinhalli.	The Government of Bombay.
(2) Bijapur Branch ...	Akalkot	The villages of Khanapur, Kegaon, Budrukh, Kegaon Khurd, Sular Jawaige and Tadval.	Ditto.
Ditto ...	Ramdrug	The villages of Asoti and Somankatti.	Ditto.
Ditto ...	Sangli	The village of Lachan ...	Ditto.
(3) Harihar Branch ...	Jamkhandi ...	The villages of Kamdoli, Kundgol, Pur, Sawshi and Sirur.	Ditto.
Ditto ...	Miraj (junior) ...	The village of Gudgeri ...	Ditto.
Ditto ...	Savanur	The villages of Honnikop and Tondur.	Ditto.
(4) Mysore Section ...	Mysore	The portion of land which lies between the centre of the Harihar Railway Bridge as measured from bank to bank and the north distant signal of the Harihar Railway Station.	Ditto,
(5) Poona Branch ...	Aundh	The villages of Bichud, Kundal and Virawde.	Ditto.
Ditto ...	Jamkhandi	The villages of Shirawde	Ditto.
Ditto ...	Kolhapur	The villages of Bambual, Budihal, Chinchli, Hubarhatti, Mavinhuda, Morab, Nagral, and Raybag.	Ditto.
Ditto ...	Kurundwar (senior) ...	The villages of Angal and Budhihal.	Ditto.
Ditto ...	Kurundwar (junior) ...	The villages of Dawunkutti, Majgaum, Sulga and Yellur.	Ditto.
Ditto ...	Miraj (senior) ...	The villages of Miraj, Narvad and Wuddi.	Ditto.
Ditto. ...	Miraj (junior) ...	The village of Budgaon ...	Ditto.

SCHEDULE—CONCLUDED.

Railway lands on which the Government of India exercise jurisdiction—concluded.

Railway.	State.	Specified parts of the State within which jurisdiction has been ceded over Railway lands.	Government or Authoity deemed to be the "Local Government."
1	2	3	4
Southern Mahratta Railway—*concld.*—			
(5) Poona Branch ...	Phaltan	The villages of Adarki Khurd, Hingangaon, Kapadgaon, Koparde, Salpa and Tambwe.	The Government of Bombay.
Ditto ...	Sangli	The villages of Chandur, Dudhondi, Ghogav, Jhad, Shahapur, Kalkhamb, Karnol, Khangav, Budrukh, Khangav Khurd, Mhaisal, Nandre, Sangli, Tumbarguddi, Tupari, Ugar Khurd and Yadalbhavihatti.	Ditto.
(6) Sangli State Railway.	Sangli	The village of Sangli and Miraj	Ditto.
Ditto ...	Miraj (Senior) ...		
Southern Punjab Railway...	Bahawalpur ...	...	The Government of the Punjab.
Ditto ...	Bikaner	...	Ditto.
Ditto ...	Jind	...	Ditto.
Ditto ...	Patiala	...	Ditto.
Tapti Valley Railway ...	Baroda	...	The Government of Bombay.
Ditto ...	Sachin	...	Ditto.

L. W. DANE,

Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," DATED MARCH 16, 1907.

HOME DEPARTMENT.

NOTIFICATION.

ESTABLISHMENTS.

Calcutta, the 13th March 1907.

No. 322.—The Honourable Sir Charles Montgomery Rivaz, K.C.S.I., has been permitted to resign His Majesty's Indian Civil Service, with effect from the 6th March 1907.

H. H. RISLEY,

Secretary to the Government of India.

DEPARTMENT OF REVENUE AND AGRICULTURE.

NOTIFICATIONS.

CIVIL VETERINARY ADMINISTRATION.

Calcutta, the 14th March 1907.

No. 506—40-5.—Major H. T. Pease, C.I.E., M.R.C.V.S., Principal, Punjab Veterinary College, is granted, under Articles 308 (*b*) and 277 of the Civil Service Regulations, furlough for four months in combination with vacation leave for three months, with effect from 1st March 1907 or any subsequent date on which he may avail himself of it.

No 507—40-5.—The services of Captain J. D. E. Holmes, I.C.V.D., Veterinary Officer on special duty in Madras, are placed at the disposal of the Government of the Punjab, until further orders, for employment as Professor of Sanitary Science at the Punjab Veterinary College.

E. D. MACLAGAN,

Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Calcutta, the 13th March 1907.

No. 42.—The undermentioned covenanted temporary Engineers of the Military Works Services, who have been transferred to the Public Works Department, are posted to the Provinces noted against their names :—

* * * * * * * *

Mr. F. C. Temple ... Punjab.

* * * * * * * *

L. M. JACOB,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATION.

POST OFFICE—GENERAL MATTERS.

Calcutta, the 15th March 1907.

No. 2492—84.—In exercise of the powers conferred by section 18 of the Indian Post Office Act, 1898 (VI of 1898), the Governor General in Council is pleased to direct that in rule 150 of the rules published with the Notification of the Government of India in the Finance and Commerce Department, No. S. R.—1429 C., dated the 30th March 1899, for the words "foreign registered letters and parcels," the words "foreign registered articles of the letter mail and foreign registered parcels" shall be substituted.

B. ROBERTSON,

Offg. Secretary to the Government of India.

DEPARTMENT OF MILITARY SUPPLY.

MEDICAL DEPARTMENT.

Fort William, the 15th March 1907.

No. 16.—In supersession of the rules contained in Military Department Notification No. 891 of 1905, the following regulations for the grant of study leave to officers of the Indian Medical Service are published for information :—

1. Extra furlough for the purpose of study may be granted to officers of the Indian Medical Service on the recommendation of the Director-General, Indian Medical Service.

2. The period of such study leave will be calculated at the rate of one month for each year of service, up to a total of 12 months in all during an officer's service.

3. Study leave may be taken at any time, but will not be granted more than twice in the course of an officer's service.

4. The minimum period of study which will render an officer eligible for study leave shall be two months.

5. The minimum period of leave granted solely as study leave shall be six months. Time spent on the journey to and from India by an officer whose study leave is not combined with any other kind of leave, will reckon as study leave, but the allowance specified in Rule 10 will be granted during the period of study only.

6. Study leave can be combined with any other kind of leave, provided the period occupied in study is not less than two months and, in the case of leave on medical certificate, provided that the medical board at the India Office certifies that the officer is fit for study. In the case, however, of officers in military employment study leave cannot be taken in continuation of the combined privilege leave and furlough admissible under the terms of India Army Order No. 64 of 1904, if the total period would thereby exceed eight months, but study leave may be so taken provided such leave is for not less than two months and the total period of combined privilege leave, furlough and study leave does not exceed eight months; this limitation to eight months does not, however, apply in the case of study leave combined with privilege leave alone. The total period of absence from India, in the case of officers under the Leave Rules of 1886 for the Indian Army, will be strictly limited to two years.

7. Except as provided for in Rule 8 all applications for study leave shall be submitted, with the audit officer's certificate, to the Director-General, Indian Medical Service, through the prescribed channel, and the course or courses of study contemplated and any examination the candidate proposes to undergo shall be clearly specified therein.

8. Officers on furlough who wish to have part of their furlough converted into study leave should address the Under Secretary of State, India Office, and should furnish a statement showing how it is proposed to spend the study leave.

9. An officer who is at home on combined leave may be permitted to commence a course of study before the end of his privilege leave, and to count the period so spent as part of his study leave, without forfeiting his privilege leave allowances during such period.

10. During the course of study lodging allowance at the rate of 8*s.* a day for a field officer, 6*s.* for a Captain, and 4*s.* for a Lieutenant will be granted. It is to be understood that in order to qualify for the grant of study leave or for the receipt of lodging allowance, a definite course of study at a recognised institution, which will occupy the time of the officer for five or six days a week, must be pursued. This allowance will not be admissible to an officer who retires from the service without returning to duty in India after a period of study leave.

11. An officer in civil employ will be entitled to draw furlough pay at civil rates for a portion of his study leave equal to one-twelfth of his service under civil rules, and for the remainder either (1) at the military rate, or (2) if furlough is due to him under civil rules, at the rate admissible under those rules; in the latter case a corresponding portion of the ordinary furlough earned under civil rules which is at his credit will be treated as if it had been earned under military rules.

12. On completion of study the certificates of examinations passed, or the certificates of special study, which must show the dates of commencement and termination of the course, with any remarks by the instructor, shall be forwarded to the Under Secretary of State, India Office, who will arrange for the transmission of the documents to the Director-General, Indian Medical Service. Officers may also be called upon to report themselves in person to the President of the Medical Board, India Office, on the conclusion of their course of study.

13. Study leave will count as service for promotion and pension, but, except so far as it may be taken during privilege leave (see Rule 9), it will not count for furlough or any other leave. It will not affect any leave which may already be due to an officer and will not be taken into account in reckoning the aggregate amount of furlough taken by an officer towards the maximum period of six years admissible under Article 299 of the Civil Service Regulations.

E. W. S. K. MACONCHY, *Colonel*,

Secretary to the Government of India.

Punjab Government Press, Lahore—21-3-07—7

[illegible] on every [illegible], but will not be granted more than twice [illegible].

[illegible] will render an officer eligible for study [illegible] months.

[illegible] The [illegible] of leave granted [illegible] is to be [illegible] it is not [illegible] any [illegible] period of study.

4. [illegible] provided the [illegible] of [illegible] In the case of [illegible] officers in [illegible] study leave [illegible] the [illegible] study leave [illegible] months but [illegible] is for not less than two months [illegible] total period of continuous [illegible] furlough and study leave [illegible] one [illegible]; this limitation [illegible] apply to the case of study leave [illegible]. The total [illegible] of absence from India in the case of officers under the Leave [illegible] for the Indian Army will be strictly limited to two years.

5. Except as provided for [illegible] applications for study leave shall be submitted, with the [illegible] Director-General, Indian Medical Service, through the prescribed channels and the course or course of study contemplated and any [illegible] the candidate proposes [illegible] shall be clearly specified therein.

8. Officers on furlough who wish to [illegible] part of their furlough converted into study leave should address the Under-Secretary of State, India Office, and should furnish a statement showing how it is proposed to spend the study leave.

9. An officer who is on leave [illegible] may be permitted to commence a course of study before the end of his privilege leave, and to count the period from such [illegible] his study leave, without forfeiting his privilege leave allowances during such [illegible].

[illegible] During the course of study [illegible] at the rate of [illegible] a day for a full [illegible] Such allowance [illegible] it is to be understood [illegible] of lodging allowance [illegible] course of study at a recognised institution [illegible] will not be admissible to an officer who retires from the service without returning to duty in India after a period of study leave.

11. An officer in civil employ will be entitled to draw [illegible] pay at civil rates for the period of his study leave [illegible] under civil rules, and for the [illegible] is due to him under civil rules, [illegible] corresponding portion of the [illegible] furlough earned under civil rules [illegible] earned under military rules.

12. On completion of study the certificates of examinations passed, or the certificates of special study, which must show the date of commencement and termination of [illegible] shall be forwarded to the Under-Secretary [illegible] India Office, who will arrange for the transmission of the documents to the Director [illegible] may also be called upon to report the manner [illegible] the Director-General, Indian Medical Service, India, on the conclusion of their [illegible].

[illegible] Study leave will count as service for promotion and pension, but, except so far [illegible] furlough [illegible] an officer's [illegible] study leave [illegible] under Article [illegible] of the Civil Service Regulations.

B. [illegible] MACMUNN, Colonel,

[illegible] Commander-in-Chief in India.

[illegible]

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, MARCH 28, 1907.

PART II.

Republications from the "Gazette of India"

FROM THE "GAZETTE OF INDIA," DATED MARCH 2, 1907.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATION.

RAILWAYS.

Calcutta, the 27th February 1907.

No. 1851.—The following is published for general information :—

Resolution by the Government of India in the Department of Commerce and Industry, No. 1836—1850-*Railways, dated the 27th February* 1907.

In the Circular issued by the Public Works Department No. 1-Railway, dated the 9th March 1898, sanction was accorded to the adoption by Railway Administrations, among other risk note forms, of Form B, intended for articles despatched at a "special reduced" or "owner's risk" rate, and of Form H, used as an alternative to Form B, when a sender desired to enter into a general agreement, in place of executing a separate risk note for each consignment.

2. It has from time to time been represented that Railway Administrations, should undertake a greater measure of responsibility in the case of consignments carried by them at the "special reduced" or "owner's risk" rates than is entailed by the existing risk note forms; and as the Government of India agreed with this contention, the question of the revision of the forms was referred to the Indian Railway Conference Association for consideration. The Association, at their meeting in October 1904, revised the form of Risk Notes B and H; and these amended forms, after further revision by the Government of India, have now been finally accepted by all the railways represented by the Association.

3. The Governor General in Council is pleased to approve, under section 72, sub-section (2), clause (*l*), of the Indian Railways Act, 189 (IX of 1890), the use of the forms B and H appended to this Resolution by Railway Administrations working railways to which the Indian Railways Act, 1890 (IX of 1890), applies, with effect from the 1st April 1907.

4. In the case of railways in Native States to which the provisions of the Indian Railways Act, 1890 (IX of 1890), have been, or may in future be, applied, the Governor-General in Council is also pleased to approve the use of these forms from the 1st April 1907, or from any later date on which the Indian Railways Act may be applied.

__________ RAILWAY.

PROPOSED RISK NOTE, FORM B.

Approved by the Governor-General in Council under Section 72 (2) (b) of the Indian Railways Act, IX of 18]

(To be used when the sender elects to despatch at a " Special Reduced " or " Owner's Risk " rate articles or animals for which an alternative " Ordinary " or " Risk acceptance " rate is quoted in the tariff.)

__________ STATION.

__________ 190 .

WHEREAS the consignment of __________ tendered by me/us, as per forwarding ORDER No. __________ of this date, for despatch by the Railway Administration or their transport agents or carriers to __________ station, and for which I/we have received Railway Receipt No. __________ of same date, is charged at a special reduced rate instead of at the ordinary tariff rate chargeable for such consignment, I/we the undersigned, do, in consideration of such lower charge, agree and undertake to hold the said Railway Administration and all other Railway Administrations working in connection therewith, and also all other transport agents or carriers employed by them respectively, over whose Railways or by or through whose transport agency or agencies the said goods or animals may be carried in transit from __________ station to __________ station harmless and free from all responsibility for any loss, destruction, or deterioration of, or damage to, the said consignment, from any cause whatever except for the loss of a complete consignment or of one or more complete packages forming part of a consignment due either to the wilful neglect of the Railway Administration, or to theft by or to the wilful neglect of its servants, transport agents or carriers employed by them before, during and after transit over the said Railway or other Railway lines working in connection therewith or by any other transport agency or agencies employed by them respectively for the carriage of the whole or any part of the said consignment : provided the term " wilful neglect " be not held to include fire, robbery from a running train or any other unforeseen event or accident.

Signature of Sender __________

WITNESS.

Rank or { *Father's Name* __________ ; *Caste* __________ *Age* __________ }

Signature __________ *Profession* __________

Residence __________ *Residence* __________

WITNESS.

Signature __________

Residence __________

NOTE.—The above form is, for the convenience of the public, translated into the vernacular on the reverse, but the form in English is the authoritative form, and the railway administration accepts no responsibility for the correctness of the vernacular translation.

________________RAILWAY.

PROPOSED RISK NOTE, FORM H.

[*Approved by the Governor General in Council under Section 72 (2) (b) of the Indian Railways Act, IX of 1890.*]

(To be used as an alternative to Risk Note Form B, when a sender desires to enter into a general agreement instead of executing a separate Risk Note for each consignment.)

________________STATION.

________________190 .

WHEREAS all consignments of goods or animals for which the __________ Railway Administration quotes both owner's risk or special reduced rates and Railway risk or ordinary rates are (unless I/we shall have entered into a special contract in relation to any particular consignment) despatched by me/us at my/our own risk and are charged for by the ______ Railway Administration at special reduced or Owner's risk rates, instead of at ordinary tariff or Railway risk rates, I/we, the undersigned, in consideration of such consignments being charged for at the special reduced or Owner's risk rates, do hereby agree and undertake to hold the _______ Railway Administration and all other Railway Administrations working in connection therewith, and also all other transport agents or carriers employed by them respectively over whose Railways or by or through whose transport agency or agencies the said goods or animals may be carried in transit from __________ station to __________ station harmless and free from all responsibility for any loss, destruction or deterioration of, or damage to all or any of such consignments from any cause whatever except for the loss of a complete consignment or of one or more complete packages forming part of a consignment due either to the wilful neglect of the railway administration, or to theft by or to the wilful neglect of its servants, transport agents or carriers employed by them before, during and after transit over the said Railway or other Railway lines working in connection therewith or by any other transport agency or agencies employed by them respectively for carriage of the whole or any part of the said consignments: provided the term "wilful neglect" be not held to include fire, robbery from a running train or any unforeseen event or accident.

Signature of Sender ________________

WITNESS.

Rank or { *Father's Name* ________________ / *Caste* ________ *Age* ________ }

Signature — *Profession* ________________

Residence — *Residence* ________________

WITNESS.

Signature ____________

Residence ____________

NOTE.—The above form is, for the convenience of the public, translated into the vernacular on the reverse, but the form in English is the authoritative form and the railway administration accepts no responsibility for the correctness of the vernacular translation.

B. ROBERTSON,

Offg. Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," DATED MARCH 16, 1907.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Calcutta, the 12th March 1907.

No. 40.—Mr. W. J. Britts, Deputy Examiner of Accounts, is transferred from the office of the Examiner of Public Works Accounts, Punjab, to that of the Examiner, Public Works Accounts, United Provinces.

L. M. JACOB,

Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," DATED MARCH 23, 1907.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Calcutta, the 19th March 1907.

No. 49.—Mr. R. P. Russell, Executive Engineer, 1st grade, Punjab, is temporarily transferred to Burma and is appointed to officiate as a Superintending Engineer until further orders.

The 20th March 1907.

No. 51.—Mr. S. C. Tomkins, Examiner of Accounts, is transferred from the Office of the Examiner of Public Works Accounts, Punjab, to that of the Examiner of Accounts North-Western Railway.

L. M. JACOB,

Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Fort William, the 22nd March 1907.

No. 808-*G.*—With reference to the notification of the Government of India in the Foreign Department No. 718-G., dated the 14th March 1907, Lieutenant G. F. W. Anson, a probationer for the Political Department, is attached temporarily to the Punjab Commission as a Supernumerary Assistant Commissioner, with effect from the date on which he assumes charge of his duties.

No. 812-*G.*—The undermentioned officers have been selected as probationers for the Political Department of the Government of India, and are temporarily attached to the Punjab Commission as Supernumerary Assistant Commissioners, with effect from the dates on which they respectively assume charge of their duties:—

Lieutenant T. G. M. Harris, Indian Army.

Lieutenant D. M. Field, Indian Army.

No. 909-*F.*—The services of Muhammad Zafar Khan, Political Tahsildar, Dera Ghazi Khan, Punjab, are replaced at the disposal of the Government of the Punjab, with effect from the forenoon of the 11th March 1907.

L. W. DANE,

Secretary to the Government of India.

FINANCE DEPARTMENT.

NOTIFICATION.

SEPARATE REVENUE.

SALT.

Calcutta, the 20th March 1907.

No. 1748-*Exc.*—In exercise of the powers conferred by section 7 of the Indian Salt Act, 1882 (XII of 1882), and in supersession of the Notification by the Government of India in the Finance Department No. 1727-Exc., dated the 22nd March 1905, the Governor General in Council is pleased to direct that, on and after the 20th March 1907, the duty to be paid on salt manufactured in, or imported by land into, British India shall be as follows:—

(*a*) In the case of salt manufactured in any part of British India other than Aden and of salt (other than salt manufactured at the salt-sources of Sambhar, Didwana or Pachbhadra in the Rajputana Agency, on which a duty has been imposed by Notification No. 1750-Exc. of this date) imported by land into any part of British India, one rupee for each maund of $82\frac{2}{7}$ pounds, avoirdupois; and

(*b*) In the case of salt manufactured in Aden, one rupee for each 140 pounds, avoirdupois.

II. The foregoing orders shall not affect the orders contained in any Notification of the Government of India not hereinbefore expressly mentioned.

J. S. MESTON,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATION.

TELEGRAPHS.

Calcutta, the 21st March 1907.

No. 2650—72.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII 1885), the Governor General in Council is pleased to direct that for rule 85 published with the Notification of the Government of India in the Public Works Department No. 298-Telegraphs, dated the 22nd September 1904, the following shall be substituted, namely :—

85. The free re-transmission of private multiple telegrams originally addressed to one office is restricted as follows. They will be re-addressed free if all the addressees have gone to the same place. Copies which cannot be delivered at the first destination will be posted to the revised addresses, if within Indian postal limits, and a report to that effect will be sent to the station of origin, which will inform the sender. State multiple telegrams will be re-addressed free without any restriction.

B. ROBERTSON,

Offg. Secretary to the Government of India.

ARMY DEPARTMENT.

Fort William, the 22nd March 1907.

APPOINTMENTS.

CANTONMENT MAGISTRATES' DEPARTMENT.

No. 241.—So much of Army Department Notification No. 81, dated 1st February 1907, as relates to Lieutenant-Colonel R. E. S. Taylor and Major C. W. Field, is hereby cancelled, and the following substituted :—

Major E. Waller to continue to officiate in the 2nd grade with staff pay at Rs. 600 a month, *vice* Major W. C. C. Leslie.

Lieutenant-Colonel R. E. S. Taylor to be officiating Cantonment Magistrate, 2nd grade, with staff pay at Rs. 600 a month, *vice* Lieutenant-Colonel J. A. Wyllie, on furlough, in place of Lieutenant-Colonel C. J. Dennys, promoted.

No. 242.—Major E. Waller who has been granted combined leave reverts to his substantive appointment in the 3rd grade, with staff pay at Rs. 500 a month.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

1st Punjab Volunteer Rifles.

No. 254.—Second-Lieutenant Edward Lewis Sterling, to be Lieutenant, *vice* Clark, transferred to the supernumerary list. Dated 15th February 1907.

A. H. BINGLEY, *Lieut.-Col.*,

Offg. Secretary to the Government of India.

THE HON'BLE THE AGENT TO THE GOVERNOR GENERAL AND CHIEF COMMISSIONER, NORTH-WEST FRONTIER PROVINCE.

NOTIFICATION.

Peshawar, the 14th March 1907.

Erratum.—In Notification No. 13, dated 21st February 1907, regarding the half-yearly examination in the Pashtu language by the Higher Standard for *1st April 1907* please read *4th April 1907.*

By order, etc.,

J. L. MAFFEY,

Assistant Secretary to the Chief Commissioner, N.-W. Frontier Province.

FROM THE "SUPPLEMENT TO THE GAZETTE OF INDIA," DATED MARCH 23, 1907.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

EDUCATION.

Nos. 221-238.

Extract from the Proceedings of the Government of India in the Home Department under date Calcutta, the 19th March 1907.

ASSISTANCE TO EUROPEAN AND EURASIAN SCHOLARS IN INDIA TO PROSECUTE THEIR STUDIES BEYOND THE STANDARD OF HIGH SCHOOL EDUCATION.

RESOLUTION.

THE Government of India have recently had under consideration the question of affording assistance to European and Eurasian scholars in India who may desire to prosecute their studies beyond the standard of high school education. The need of domiciled Europeans and Eurasians for separate school education is already recognized and provided for, but if, after completing their school course, students of these classes wish for a University education, they have to adapt themselves as best they can to the Indian University system, which is primarily intended for the benefit of natives of this country, and to which the existing scheme of European education in India does not lead up. Moreover, on general grounds the Government of India think it desirable to give some inducement to Europeans and Eurasians in India to pursue their studies up to a high standard and to offer them some prizes to look forward to in their own line of education.

2. After consulting local Governments on the question, the Government of India have now obtained the sanction of the Secretary of State to the grant of one scholarship annually, tenable at an English University, for members of the domiciled European and Eurasian community in India, on the understanding that candidates belonging to these classes will no longer be regarded as eligible for the two University state scholarships at present granted to natives of India. The Governor-General in Council is accordingly pleased to announce that the scholarship will be granted on the following terms and conditions.

3. One scholarship of the value of £200 a year, the cost of which will be defrayed from Imperial revenues, will be awarded annually to a European or Eurasian candidate who is a native of India within the meaning of Statue 33 Vict., Cap. 3, section 6, and whose parents are not resident in India for temporary purposes only.

The following procedure will be observed in the selection of candidates for the scholarship :—

(*i*) Each local Government will be invited to nominate annually a candidate who has been for the preceding two years a pupil of a recognized school or college in India and who has passed the European High School examination or who is a graduate of one of the Indian Universities. The candidate must be not more than 22 years of age, of good physique and active habits, and must produce medical evidence of good health. Nominations should be submitted by the 31st March of each year, but as a special case the date, up to which the recommendations of local Governments will be received during the current year is extended to the 1st June.

(*ii*) The Government of India will select from among the candidates nominated by local Government the one who appears to them to be best fitted to hold the scholarship. In making the selection due regard will be paid to the claims of each province to participate in its turn in the scheme.

4. The scholarship will entitle the holder to an allowance not exceeding £200 per annum payable from the date of his arrival in England, and will be tenable for three or four years, as circumstances may require, at any University in the United Kingdom or, with the special sanction of the Government of India, at a Foreign University. The canal date to whom the scholarship is awarded will be required to proceed to England within a reasonable period from the date of his selection, and to reside there for a period of three or four years, as the case may be, unless compelled to return sooner by ill health. He will be provided with a free second class passage to England and also with a free return passage if he completes the full period of residence or is compelled by sickness to return within that period.

5. The scholar will, on arrival in England, be required to bind himself by a written engagement to submit to the following rules and to such other regulations as may from time to time be framed by His Majesty's Secretary of State for the guidance of scholars in England:—

(*a*) Every scholar shall, on reaching England, at once present himself to the Secretary, Judicial and Public Department, at the India Office, and report his arrival in writing.

(*b*) Every scholar shall, without any unnecessary delay, inform the Secretary of State to which University or College he is about to proceed, and shall at once take steps to enter himself thereat.

(*c*) Every scholar shall, at the end of each term of residence at a University, submit to the Secretary of State a certificate from the proper University or College authority, showing that his residence, conduct and progress in study have been satisfactory during the term.

(*d*) Every scholar shall at all times obey such instructions as he may receive from the Secretary of State.

(*e*) Subject to a due compliance with the above conditions, the allowance, at the rate of £200 a year for three years, or four years, if so determined, will be paid quarterly, in advance, by the India Office, commencing from the date of the scholar's reporting his arrival in England.

(*f*) Every scholar will forfeit his scholarship who, not being disabled by illness or prevented by any other cause which the Secretary of State may consider sufficient, fails to complete the required terms of residence at a University or who is guilty of misconduct, persistent idleness or disregard of the orders of the Secretary of State. If the scholarship be forfeited, the scholar will lose his claim to a free return passage to India, and will further become liable to refund the cost of his free passage to England.

(*g*) The scholar will be under the supervision and charge of the Political A.D. C. to the Secretary of State through whom the necessary orders will be given, and to whom all reports and other communications respecting him should be sent.

Ordered, that this Resolution be published in the supplement to the *Gazette of India.*

H. H. RISLEY,

Secretary to the Government of India.

Punjab Government Press, Lahore—28-3-07—790.

2. The scholarship will entitle the [illegible] for a [illegible] not exceeding [illegible] from the date of his arrival in England, and with the [illegible] [illegible] as circumstances may require, at any University in the United Kingdom [illegible] [illegible] [illegible] the [illegible] of India or a Local Government. [illegible] [illegible] will be [illegible] to [illegible] in England [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible].

The scholar will, on arrival in England, be required to [illegible] himself in writing [illegible] to submit to the following rules and to such other regulations as may [illegible] [illegible] be framed by the Secretary of State for the guidance of scholars in England:—

(a) Every scholar shall, on arriving in England, [illegible] [illegible] [illegible] to the Secretary, Judicial and Public Department, India Office, and report his arrival in writing.

(b) Every scholar shall [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], and shall at once [illegible] to [illegible].

(c) Every scholar shall at the end of each term of residence at a University submit to the Secretary of State a certificate from the proper University authority [illegible] [illegible] [illegible] conduct and progress [illegible] [illegible] [illegible] [illegible] during the term.

(d) Every scholar shall [illegible] all [illegible] [illegible] [illegible] [illegible] from the Secretary of State.

(e) The scholarship will [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] rate of [illegible] a year for [illegible] years [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], commencing from the date of the scholar's arrival in England.

(f) Every scholar will be [illegible] to India, and will [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in England.

(g) The scholars will be under the supervision and charge of the [illegible] [illegible] to the Secretary of State through whom the [illegible] [illegible] will be given, and [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible].

[illegible] that this Resolution be published [illegible] [illegible] in the Gazette of [illegible].

DAS BISSEN(?),

[illegible] [illegible] Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, APRIL 4, 1907.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED MARCH 30, 1907.

HOME DEPARTMENT.

NOTIFICATIONS.

PUBLIC.

Calcutta, the 27th March 1907.

No. 842.—The Governor General in Council directs that the following amendments shall be made in the schedule to the rules regarding the use of uniform by officers in civil employ, published with the notification of the Government of India in the Home Department, No. 111, dated the 15th January 1904, as amended by notifications No. 3926, dated the 8th December 1905, and No. 16, dated the 4th January 1907:—

In the description of the "Full Dress" Coat in the "Extract from the Lord Chamberlain's 'Schedule of Civil Uniforms,' page 10," *for the words* "Blue cloth, lined with Black Silk" *substitute* "Blue cloth lined with White Silk."

To the description of the "Undress" Coat add the words "Black Silk linings."

The 28th March 1907.

No. 873.—Under the provisions of section 9 of the statute 24 and 25 Vict., Cap. 67, the Governor General in Council is pleased to direct that His Excellency's Council shall assemble at Simla in the jurisdiction of the Lieutenant-Governor of the Punjab.

ESTABLISHMENTS.

The 26th March 1907.

No. 414.—The services of Mr. S. W. Gracey, of the Indian Civil Service, are replaced at the disposal of the Government of the Punjab with effect from the 25th February 1907.

ECCLESIASTICAL.

The 28th March 1907.

No. 145.—The Reverend H. W. F. Fagan, a chaplain on probation, is appointed to be a junior chaplain on the Bengal (Lahore) Ecclesiastical Establishment with effect from the 25th November 1906.

H. H. RISLEY,

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Calcutta, the 27th March 1907.

No. 58.—The following promotions are ordered in the superior Accounts Branch :—

Name.	From.	To	Nature of promotion.	With effect from
* *	* *	* *	* *	* *
Mr. W. R. Butterfield...	Examiner, Class IV, 3rd grade, temporary.	Examiner, Class IV, 3rd grade.	Permanent ...	27th January 1907.
* *	* *	* *	* *	* *
Mr. W. J. Britts ...	Deputy Examiner, Class II.	Deputy Examiner, Class I.	Temporary ...	6th February 1907.
* *	* *	* *	* *	* *

L. M. JACOB,

Secretary to the Government of India.

DEPARTMENT OF EXPLOSIVES.

NOTIFICATION.

Calcutta, the 27th March 1907.

No. 517.—With reference to notification No. 4694—3-12, dated the 4th September 1905, of the Government of India, Department of Commerce and Industry, publishing amendments made in the rules to regulate the transport and importation of explosives, published with the like notification No. 5528, dated the 11th October 1901, the following list of "authorized explosives" referred to in rule 2 (1) of the above rules is published for general information :—

LIST OF AUTHORIZED EXPLOSIVES.

The following explosives are at present authorized for importation into British India for general sale :—

Class 1.—GUNPOWDER.

GUNPOWDER.

Class 2.—NITRATE MIXTURE.

AMMONAL.

RIPPLENE.

Class 3.—NITR-OCOMPOUND.

Every explosive in this class and every explosive ingredient thereof shall be so thoroughly purified and otherwise of such character as to satisfy a test known as the heat

test, and specified in Schedule A of Home Department notification No. 5529 Public, dated the 11th October 1901.

Division 1.

ALBIONITE.

AMBERITE NO. 1.

BALLISTITE.

BLASTING GELATINE.

CARBONITE.

CELTITE.

CORDITE.

CORDITE, M. D.

DYNAMITE.

GELATINE DYNAMITE NO. 1.

GELATINE DYNAMITE NO. 2, OR GELIGNITE.

MONOBEL POWDER.

PHŒNIX POWDER.

Provided that every explosive in this division shall be of such character and consistency as not to be liable to liquefaction or exudation.

Division 2.

AMBERITE NO. 2.

AMMONITE.

COOPPAL'S POWDER.

E. C. SPORTING POWDER.

EMPIRE POWDER.

GUNCOTTON.

HENRITE.

SCHULTZE GUNPOWDER.

KYNOCH'S SMOKELESS SPORTING POWDER.

NEGRO POWDER.

PICRIC ACID.

PICRIC POWDER.

RIFLEITE.

ROBURITE.

S. R. POWDER.

S. S. POWDER.

SMOKELESS POWDER.

SMOKELESS BLASTING POWDER.

Class 4.—CHLORATE MIXTURE.

Nil.

Class 5.—FULMINATE.

Nil.

Class 6.—AMMUNITION.

Division 1.

SAFETY FUZES FOR BLASTING.

SAFETY EELECTRIC FUZES.

PERCUSSION CAPS.

RAILWAY FOG SIGNALS.

SAFETY CARTRIDGES.

Division 2.

CARTRIDGES FOR CANNON, SHELLS, MINES, BLASTING OR OTHTR LIKE PURPOSES.

CARTRIDGES FOR SMALL ARMS WHICH ARE NOT SAFETY CARTRIDGES.

ELECTRIC FUZES.

FUZES FOR BLASTING WHICH ARE NOT SAFETY FUZES.

FUZES FOR SHELLS.

TUBES FOR FIRING EXPLOSIVES.

WAR ROCKETS.

Division 3.

CARTRIDGES FOR SMALL ARMS WHICH ARE NOT SAFETY CARTRIDGES.

DETONATORS.

ELECTRIC DETONATORS.

FUZES FOR BLASTING WHICH ARE NOT SAFETY FUZES.

FRICTION TUBES.

FUZES FOR SHELLS.

FUZES FOR FIRING EXPLOSIVES.

Class 7.—FIREWORK.

Division 1.

Nil.

Division 2.—Manufactured Fireworks.

MANUFACTURED FIREWORKS.

AMORCES.

CHINESE CRACKERS.

C. A. MUSPRATT-WILLIAMS, *Major, R.A.*,
Chief Inspector of Explosives in India.

Punjab Government Press, Lahore—4-4-07—790.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, APRIL 11, 1907.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED APRIL 6, 1907.

HOME DEPARTMENT.

NOTIFICATION.

PUBLIC.

Calcutta, the 28th March 1907.

No. 873.—Under the provisions of section 9 of the Statute 24 and 25 Vict., Cap. 67, the Governor General in Council is pleased to direct that His Excellency's Council shall assemble at Simla in the jurisdiction of the Lieutenant Governor of the Punjab.

H. H. RISLEY,

Secretary to the Government of India.

Punjab Government Press, Lahore—11-4-07—790.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, APRIL 18, 1907.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED APRIL 13, 1907.

HOME DEPARTMENT.

NOTIFICATION.

ECCLESIASTICAL.

Simla, the 11th April 1907.

No. 156.—The Reverend J. A. R. Brookes, a junior chaplain on the Bengal (Lahore) ecclesiastical establishment, is promoted to be a senior chaplain, with effect from the 1st April 1907.

H. H. RISLEY,

Secretary to the Government of India.

DEPARTMENT OF REVENUE AND AGRICULTURE.

NOTIFICATION.

GENERAL.

Simla, the 10th April, 1907.

No. 791—103-5.—The services of the Hon'ble Mr. E. D. Maclagan, I.C.S., of the Punjab Commission, Officiating Secretary to the Government of India in the Department of Revenue and Agriculture, are replaced at the disposal of the Home Department, with effect from the forenoon of the 8th April 1907.

J. WILSON,

Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 12th April, 1907.

CANTONMENT MAGISTRATES' DEPARTMENT.

No. 287.—Consequent on the retirement of Lieutenant-Colonel C. J. Dennys, Cantonment Magistrates' Department, the following promotions are made:

Major E. Waller, Cantonment Magistrate, 3rd grade, with staff pay at Rs. 500 a month, to be provisional Cantonment Magistrate, 2nd grade, with staff pay a Rs. 600 a month;

* * * * * * *

With effect from the 21st March 1907.

LONDON GAZETTE.

No. 289.—The following extract is published for general information:

"London Gazette," dated 19th *March* 1907, *pages* 1927 *to* 1929.

* * * * * * *

INDIA OFFICE;

19th March, 1907.

The King has approved of the following promotions among officers of the Indian Army, Indian Subordinate Medical Department, Indian Army Departments, and admissions to the Indian Army and Indian Army Reserve of officers:

Majors to be Lieutenant-Colonels.

Dated 22nd January 1907.

* * * * * *

Charles Mowbray Dallas, *Supernumerary List.*

* * * * *

Arthur Tristram Herbert Newnham, Cantonment Magistrates' Department.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

Punjab Light Horse.

No. 300.—Captain George Kemp Walker, F. R. C. V. S., Civil Veterinary Department, to be Veterinary Officer, *vice* Dawson transferred to the supernumerary list. Dated 25th February 1907.

1st Punjab Volunteer Rifles.

No. 302.—Sir Charles Montgomery Rivaz, K. C. S. I., resigns his appointment as honorary Colonel. Dated 5th March 1907.

The Hon'ble Sir Denzil Charless Jelf Ibbetson, K. C. S. I, Lieutenant-Governor of the Punjab, to be honorary Colonel, *vice* Sir Charles Montgomery Rivaz resigned. Dated 6th March 1907.

Louis Frederick Ernest Vanrenen, gentleman, to be Second-Lieutenant, *vice* Sterling promoted. Dated 15th February 1907.

North-Western Railway Volunteer Rifles.

No. 305.—Captain Francjs Joseph Harvey resigns his commission. Dated 26th February 1907.

A. H. BINGLEY, *Lieut.-Colonel,*
Offg. Secretary to the Government of India.

Punjab Government Press, Lahore—18-4-07—790.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, APRIL 25, 1907.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED APRIL 13, 1907.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATION.

CUSTOMS.

Simla, the 13th April, 1907.

No. 3023—37.—In exercise of the powers conferred by section 22 of the Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to direct that, for the item "Molasses" of entry No. 8 in the Notification of the Government of India in this Department, No. 10123—30, dated the 22nd December 1906, the following shall be substitnted, namely:

No.	Names of articles.	Per.	Tariff Valuation	Duty.
8	* * * * *		Rs. As.	
	Molasses from Java	C wt.	2 6	Five per cent.
	Molasses from other countries	"	2 12	" "
	* * * * *			

B. ROBERTSON,

Offg. Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," DATED APRIL 20, 1907.

HOME DEPARTMENT.

NOTIFICATION.

ESTABLISHMENTS.

Simla, the 16th April 1907.

No. 481.—The services of the Hon'ble Mr. E. D. Maclagan, of the Indian Civil Service, are replaced at the disposal of the Government of the Punjab, with effect from the forenoon of the 8th April 1907.

JAILS.

The 19th April 1907.

No. 73.—The services of Captain J. H. Murray, M.B., I.M.S., are placed temporarily at the disposal of the Punjab Government for employment in the Jail Department.

ECCLESIASTICAL.

The 19th April 1907.

No. 159.—The Reverend F. B. Sandberg, a senior chaplain on the Bengal (Lahore) ecclesiastical establishment, is permitted to retire from the service, with effect from the 9th February 1907.

No. 160.—The Reverend William Owen O'Conor has been appointed a chaplain on probation on the Bengal (Lahore) ecclesiastical establishment to fill an existing vacancy.

H. H. RISLEY,
Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATION.

Simla, the 18th April, 1907.

No. 1071-*G.*—The services of Babu R. C. Singha, Extra Assistant Commissioner, are replaced at the disposal of the Government of the Punjab, on the termination of his deputation to the Kashmir State, with effect from the 9th March 1907.

L. W. DANE,
Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 19th April 1907.

CANTONMENT MAGISTRATES' DEPARTMENT.

No. 309.—The officiating promotion of Lieutenant-Colonel R. E. S. Taylor, Cantonment Magistrate's Department, notified in Army Department Notification No. 406 of 1906, should have effect from the 19th July 1906.

PROMOTIONS.

No. 317.—The following promotions are made subject to His Majesty's approval:

* * * * * * *

INDIAN MEDICAL SERVICE.

* * * * * * *

Majors to be Lieutenant-Colonels.

31st March 1907.

* * * * * * *

William Ronaldson Clark, M. B.

George Frederick William Braide.

* * * * * a *

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

1st Punjab Volunteer Rifles.

No. 334.—John Gerrard Hennessy, Esquire, to be Captain. Dated 1st April 1907.

A. H. BINGLEY, *Lieut.-Colonel,*
Offg. Secretary to the Government of India.

DEPARTMENT OF MILITARY SUPPLY.

Simla, the 19th April 1907.

ORGANIZATION.

MEDICAL DEPARTMENT.

No. 23.—*Alteration of the rule for the allotment of officers of the Indian Medical Service to areas for purposes of Civil employment.*

Under instructions from the Secretary of State for India, the Governor-General in Council is pleased to notify that in future, commencing with those appointed at the entrance examination to be held in August 1907, officers admitted to the Indian Medical Service will not be permitted to exercise a choice of area for the purpose of civil employment as stated in paragraph 4 of the notification in the Department of Military Supply No. 74, dated 13th July 1906, but will be posted, upon a consideration of all the circumstances, including as far as possible their own wishes, to one of the civil areas detailed therein, *viz.*:—

1. Madras.—*To include Madras and Burma.*
2. Bombay.—*To include Bombay and Aden.*
3. Upper Provinces.—*To include the United Provinces, the Punjab and the Central Provinces.*
4. Lower Provinces.—*To include Bengal and Eastern Bengal and Assam.*

Officers transferred to civil employment, though ordinarily employed within the area to which they may have been assigned, will remain liable to employment elsewhere according to the requirements of the service.

E. W. S. K. MACONCHY, *Colonel,*
Secretary to the Government of India.

THE HON'BLE THE AGENT TO THE GOVERNOR GENERAL AND CHIEF COMMISSIONER, IN BALUCHISTAN.

NOTIFICATION.

Quetta, the 9th April 1907.

No. 1342.—The services of the Reverend H. S. Stephenson, B.A., Assistant Chaplain of Quetta, are placed at the disposal of the Government of the Punjab, with effect from the 8th April 1907, or the date on which he may relinquish charge of his duties at Quetta.

By order,

DENYS DE S. BRAY,
Second Assistant.

FROM THE "SUPPLEMENT TO THE GAZETTE OF INDIA," DATED APRIL 20, 1907.

No. 2356-EXC.

GOVERNMENT OF INDIA.

FINANCE DEPARTMENT.

SEPARATE REVENUE.

EXCISE.

Simla, the 18th April, 1907.

Resolution No. 7057-Exc., dated the 18th December 1906.

Ordered, that the foregoing Resolution be published for general information in the Supplement to the *Gazette of India.*

J. S. MESTON,

Secretary to the Government of India.

No. 7057-EXC.

Calcutta, the 18th December 1906.

RESOLUTION.

The Government of India propose to deal separately with the various portions of the Report of the Excise Committee appointed by their Resolution No. 5001-Exc, dated the 7th September 1905, and simultaneously with the connected parts of the Report by Major C. H. Bedford, I.M.S., on the "quality, manufacture and Excise control of alcoholic liquors in India," which have been already communicated to the various Local Governments and Administrations. The present Resolution is concerned with the matters dealt with in Chapters II and IX of the former report, namely arrangements or concessions outside the scope of the ordinary Excise systems and country beers.

2. The concessions outside the scope of Excise systems are classified by the Excise Committee under two heads, *viz.*, (*a*) personal privileges, and (*b*) concessions to backward tribes. As stated in paragraph 8 of the Committee's Report, personal Excise privileges are at present allowed only in three provinces (the United Provinces, the Central Provinces and Ajmer-Merwara), and in the first two of these they will shortly disappear. As regards Ajmer-Merwara, the Committee express the opinion that the concession of free distillation of spirits for personal consumption which is allowed to the *tazimi istimrardárs* here leads to the demoralisation of the younger men of the privileged families, and they accordingly recommend that it should cease with the lives of the present holders. This suggestion commends itself to the Government of India.

3. The concessions to backward tribes are enumerated in paragraph 9 of the Committee's report. They relate mainly to the free brewing of country beers, while in respect of spirits and *tari* they are comparatively insignificant. The Committee have found (paragraph 11 of the Report) that drunkenness in many of the privileged areas is "undoubtedly prevalent to a lamentable extent, and is, generally speaking, limited by the opportunities and habits of the aborigines to the season when there is abundance of *tari* or *mahua* for distillation or of rice or other grain for the making of beer." Their general recommendation in regard to the continuance of these concessions is (paragraph 11, 13 and 16 of the Report) that while the progressive restriction of the areas of privilege and the gradual introduction of control with a view to the diminution of intemperance, should be kept steadily in view by the Local Governments concerned, no attempt should be made to introduce a regular Excise system in places where the Government have not the means of exercising complete control over the operations of the liquor-seller. The Government of India entirely concur in this view.

4. The Committee (paragraphs 12 and 14 of the Report) are not agreed as to the desirability of imposing nominal fees for the exercise of the privileges above referred to, a policy which has been defended as a first step towards regular control and criticised as giving trouble to the people without affording any real check on consumption. They hold,

however, that if such fees are maintained they should be made more uniform and the method of collection put under better control, especially in Bengal. While the Government of India are inclined to favour the retention of such fees, they propose to leave the matter to the discretion of the Local Governments concerned.

5. In paragraph 15 of the Report the Committee refer to the difficulties which are entailed by the enforcement of a limit of individual possession of liquor in the privileged tracts such as has been prescribed in Bengal and in Eastern Bengal and Assam. They find that such restrictions have been of use in the direction of diminishing illicit sales and excessive private possession, but have sometimes been used as a means of extortion by Excise subordinates. As they point out, this policy of restriction on possession should only be undertaken when the establishment which has to work it can be effectively supervised and controlled.

6. As regards particular provinces, the Committee's suggestions (paragraphs 13 and 14 of the Report) are as follows:—

(1) In *Bengal* the suppression of home-brewing of *pachwai* should begin with the withdrawal of the privilege from the isolated aboriginal settlements in which a system of house-tax is now in force and should be gradually extended to other areas as the country is opened up and regular administration established. The varying fees levied for the privilege in question in certain districts should be made more uniform and the method of collection put under better control.

(2) Similar steps in regard to the suppression of home-brewing should be taken in *Eastern Bengal*, while in *Assam* the Local Government is already taking steps towards the withdrawal of the right of free distillation of spirits in the Khasi and Jaintia Hills.

(3) In the *Punjab*, wherever the privilege of home-brewing is granted subject to the payment of a nominated fee, arrangements should be made for the grant of licenses with as little trouble to the people as possible.

(4) In *Madras*.—(*a*) Certain areas within the privileged tracts, especially along the banks of the Godawari and Sabari rivers, should at once be brought under more regular Excise administration, and a similar policy should be applied in the near future to the country to be opened up by the Vizianagram-Raipur Railway.

(*b*) The whole of the privileged tracts should be brought under the Madras Abkari Act, 1886, and the Commissioner of Abkari should be empowered to advise and investigate in regard to Excise matters in these tracts. This should not, however, involve any obtrusive interference with the authority of the Agents to the Governor or the introduction of special Excise establishments.

(*c*) The poll-tax levied from the Koyas and Reddis of the Godavari district for the privilege of free distillation of spirits should be abolished along with the privilege itself.

(5) In *Bombay* the question of introducing a light tree-tax in the Panch Mahals district (which is already under the consideration of the local authorities) should be pursued, and as the condition of the *kaliparaj* (backward aboriginal races) improves, the specially low rates of tree-tax which are at present levied on trees tapped by them for *tari* should be gradually increased.

(6) In the *Central Provinces* the existing prohibition against the location of shops in or near what is known as the Baiga reserve, which the local authorities desire to withdraw, should be maintained unless it can be shown that, in the absence of licensed shops, unlicensed sales are responsible for a large amount of drunkenness, and that the licensed shops which it is proposed to open can be properly controlled.

These conclusions and recommendations have the approval of the Government of India.

7. As regards country beers, which are discussed in Chapter IX of the Committee's Report, Major Bedford has, at the result of his enquires, arrived at the following conclusions:

(1) The liquors in question have, generally speaking, a lower alcoholic strength than spirits but are consumed in larger quantity, the net results being that about the same amount of absolute alcohol is consumed by the drinker of either class of liquor.

(2) At the same time, in consequence of the fact that in drinking spirits the toxic amount of alcohol is more quickly reached and more easily exceeded than in the case of fermented liquors, the former may be regarded as more noxious than the latter.

(3) The noxious effect of bye-products is in either case negligible.

(4) In nutritive value, country beers, though inferior toddy, are, generally speaking, superior to beers manufactured after European processes in and out of India.

(5) The yeast from which country beers are manufactured is generally week and is not infrequently drugged with poisonous alkaloids, such as aconite, *nux vomica, dhatura, etc.* (The yeasts actually examined by Major Bedford were, however, not found to contain any poisonous ingredients.)

8. The views of the Excise Committee on the question of the improvement of the Excise system in respect of country beers in areas outside the privileged tracts are stated in paragraphs 175—181 of their Report. As they explain, the policy hitherto adopted has been to favour the consumption of country beers on the ground that they are a wholesome and moderate form of stimulant, the result being that the number of licenses granted for the sale and home-brewing of these beers and the revenue derived therefrom have steadily increased. After summarizing and discussing the objections to the continuance of this policy, the Committee express the opinion that "while there may be grounds, hygienic or other, for the favourable treatment of these liquors among the hill tribes in Assam and elsewhere, there are, generally speaking, none entitling them to be treated differently from other alcoholic liquors; that, in the matter of inducing drunkenness, they are entitled to consideration on the ground of their low strength but on no other; that the present method of sale tends to be both a public nuisance and a public danger; and that a much greater measure of control than is at present exercised is necessary if they are not to be a serious impediment to progress in Excise reform in the districts in which their consumption is most common."

9. Apart from the proposals for the restriction of the privileges of home-brewing referred to above, the Committee recommend the application of the following further measures of reform—primarily to the Burdwan, Birbhum, Bankura and Murshidabad districts, of Bengal (where the consumption of the liquors in question is most general), and secondarily to other areas in-so-far as circumstances may admit of their application there:

(1) As the restriction of home-brewing proceeds, the policy of supplying the legitimate demand for the liquors in question by licensed shops should continue, but the sites for the shops should be selected judiciously, care being taken on the one hand that no undue temptation is put in the way of aboriginal tribes and on the other that they are not driven to the use of country spirits.

(2) Taxation should for the present be realised by the existing system of simple auctions.

(3) The question of imposing a minimum price should be considered.

(4) Licenses should be granted for a term of years and the licensees' liability in the matter of providing better and more sanitary premises, good wells, and proper utensils should be strictly enforced.

(5) The possession on licensed premises of *nux vomica, dhatura* or other similar poisons should be made punishable, and licensees should be required to submit periodically for chemical analysis samples of liquors as actually sold by them.

(6) Local enquiries should be made as to the possibility of introducing a system of licensing the manufacture of *bakhar*, and a scientific investigation should be set on foot with a view to determining the proper ingredients of the stuff. The Committee prefer these latter proposals to Major Bedford's suggestion (page 202 of this Report, for the official issue of yeast.

(7) Lastly, responsible officers should be employed to control the shopkeepers' operations to see that good rice and clean water are used, and to check the occurrence of drunkenness.

10. The Government of India accept the Committee's suggestions subject to the following remarks: (*a*) Licenses for the manufacture and vend of *pachwai* and other similar liquors should be auctioned for a longer period than one year, so as to give the licensees larger interest in maintaining proper premises and appliances. Such licenses should not, however, be granted for a term exceeding three years, inasmuch as it is undesirable to allow the growth of anything of the nature of vested interests in Excise shops.

(*b*) If the fifth proposal in paragraph 9 above means that special penal legislation should be undertaken to deal with the possession in licensed vend premises of poisonous materials, such as *dhatura*, the Government of India are entirely averse to such a course. They consider that action with regard to the possession of materials of this description *quâ* poisons should be taken under the Indian Penal Code or the Poisons Act, and not as a matter of Excise law. Their possession by Excise licensees ought, however, to be made a ground for the cancellation of a license.

(*c*) The Government of India are altogether opposed to Major Bedford's suggestion that Government should make and supply yeast to liquor manufacturers. The local enquiries suggested by the Committee as to the possibility of introducing a system of licensing the manufacture of *bakhar* should, however, be instituted. Meanwhile Major Bedford will be asked to undertake a scientific investigation with a view to determining its proper ingredients.

(*d*) The action proposed in paragraph 9 (7) should be taken by the regular Excise staff of the province and not by a special agency appointed for the purpose.

(*e*) The Government of India would not object, where this may be deemed necessary, to shops being provided with good wells at Government expense.

11. They would further suggest, for the consideration of other Local Governments, the desirability of enforcing the responsibility of a licensee for the sobriety of his customers by a provision, similar to that already in force in Assam, that, in cases where drunkenness amounting to a public nuisance occurs in the vicinity of a shop, the shopkeeper will be liable to have his license cancelled and to forfeit his earnest money. Care must, however, be taken that this measure, if adopted, is not used as a means of blackmail by departmental subordinates.

12. The attention of the Government of Bengal will be drawn to the remarks made in paragraph 18 of this Department's letter to the address of the Honourable the Chief Commissioner of the Central Provinces, No. 2947-Exc., dated the 11th July 1905,* with reference to the consumption of country beers in the Sambalpore district, where it appears that some restriction on the sale of this article is very desirable.

* Copy forwarded herewith to the Government of Bengal for ready reference.

13. It is requested that the Local Governments concerned will report as soon as possible the extent to which they will be prepared to give early effect in the areas administered by them to the recommendations of the Committee in-so-far as these have been approved by the Government of India.

ORDERED, that a copy of the foregoing Resolution be communicated to all Local Governments and Administrations for information and guidance, and also to Major Bedford with reference to paragraph 10 (*c*) above with the request that he will undertake the necessary investigation to determine the proper ingredients of *bakhar*.

Punjab Government Press, Lahore—25-4-07—79.

[illegible]

The Government of India accept the [illegible] of [illegible] on the [illegible] paragraph [illegible] [illegible] the nature of [illegible]

(b) In the [illegible] in paragraph [illegible] [illegible] the Government of India [illegible] with regard to [illegible] taken [illegible] [illegible]

The Government of India [illegible] [illegible]

[illegible]

The Government of India would not [illegible] with regard to [illegible]

[illegible]

[illegible]

[illegible]

[illegible] that the Local Governments concerned will [illegible] the [illegible] of the [illegible] of India.

[illegible]

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, MAY 2, 1907.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED APRIL 27, 1907.

FINANCE DEPARTMENT.

NOTIFICATION.

SEPARATE REVENUE.

INCOME TAX.

Assessed Taxes.

Simla, the 25th April, 1907.

No. 2503-*Exc.*– In exercise of the powers conferred by section 6 of the Income Tax Act, 1886 (II of 1886), the Governor General in Council is pleased to direct that from clause (A) (8) of the notification of the Government of India in the Finance and Commerce Department, No, 2762, dated the 6th June 1890, as amended by notification No. 2180-S. R., dated the 23rd April 1901, the words "and the funds of which are either deposited with the Government or invested in Government Securities" shall be omitted.

J. S. MESTON,

Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 26th April 1907.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

Simla Volunteer Rifles.

No. 368.—Gerald Summer Stooks, gentleman, to be Lieutenant, *vice* Winning transferred to the supernumerary list. Dated 1st April 1907.

Walter Kington Bretherton, Esquire, to be Captain, *vice* McPherson transferred to the supernumerary list. Dated 1st April 1907.

A. H. BINGLEY, *Lieut.-Colonel,*

Offg. Secretary to the Government of India.

THE HON'BLE THE AGENT TO THE GOVERNOR GENERAL AND CHIEF COMMISSIONER, NORTH-WEST FRONTIER PROVINCE.

NOTIFICATION.

Peshawar, the 20th April 1907.

No. 47.—The following candidates are declared to have passed the prescribed tests in Pashtu by the Higher Standard at the examinations held at Peshawar, Dera Ismail Khan, Chitral and Lahore Cantonment on the 4th April 1907 and following day :—

1. Lieutenant C. T. C. Plowden, 59th Rifles (F. F.)
2. Lieutenant W. G. Neale, Supernumerary Assistant Commissioner.
3. Captain W. M. Anderson, I.M.S., Civil Surgeon, Kurram.
4. Lieutenant R. G. A. Trail, Queen's Own Corps of Guides.
5. Lieutenant D. R. G. Oliver, Supernumerary Assistant Commissioner.
6. Captain C. E. Alexander, D.S.O., 55th Coke's Rifles.
7. Assistant Surgeon A. W. Dyer, I.S.M.D.
8. Captain R. Ducate, Commandant, Chitral Scouts.
9. Lieutenant P. T. Atherton, 2 39 Garhwal Rifles.
10. Miss Mark, Church Missionary Society.
11. Lieutenant A. C. L. Tyrrell, 25th Cavalry.
12. Captain W. W. Bickford, Zhob Levy Corps.
13. 2nd-Lieutenant H. G. Morrell, attached, 35th Scinde Horse.
14. Lieutenant J. D. M. Flood, 58th Rifles (F. F.)
15. Assistant Surgeon R. Keclan, I.S.M.D.
16. Lieutenant P. d'A. Banks, Queen's Own Corps of Guides.
17. Sergeant T. Santry, 2nd Royal Irish Fusiliers.
18. Private J. Lindsay, 2nd Battalion, The Black Watch.
19. Captain A. B. Brown, Southern Waziristan Militia.
20. Captain J. S. Riccard, Royal Artillery.
21. Lance-Corporal A. Burton, 2nd Battalion, The Black Watch.
22. Sergeant H. Rogers, Supply and Transport Corps.
23. Lieutenant F. A. Finnis, Royal Artillery.
24. Lieutenant W. L. Campbell, Supernumerary Assistant Commissioner.
25. Major J. S. Kemball, Commandant, Kurram Militia.
26. Staff Sergeant E. G. Macdonald Military Works Services.
27. Lieutenant J. H. G. Buller, 57th Rifles (F. F.)
28. Assistant Surgeon N. S. Williams, I.S.M.D.
29. Mr. J. A. O. Fitzpatrick, Assistant Commissioner, Peshawar.
30. Sergeant J. A. Harrison, Supply and Transport Corps.
31. Assistant Surgeon T. Traynor, I.S.M.D.

By order, &c.

J. L. MAFFEY,

Assistant Secretary to the Chief Commissioner, N.-W. Frontier Province.

FROM THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED APRIL 27, 1907.

Circular No. 11-F. / 131-2

GOVERNMENT OF INDIA.

DEPARTMENT OF REVENUE AND AGRICULTURE.

FORESTS.

Simla, the 20th April 1907.

Regulations for the appointment of Probationers to the Indian Forest Service, 1907.

☞ *Note.—The Regulations for 1908 will be the subject of separate consideration by the Secretary of State in Council. An announcement will be made concerning them in due course.*

1. *Appointments.*—The Secretary of State for India in Council will, in the summer of 1907, make not less than eighteen appointments of Probationers for the Indian Forest Service, provided that so many candidates are considered to be in all respects qualified.

In making these appointments, he will act with the advice of a Selection Committee.

2. *Applications for Appointment.*—Applications for appointment must be made on a printed form to be obtained from the Secretary, Judicial and Public Department, India Office, Whitehall London, S. W., and to be returned to him not later than Monday the 1st July 1907.

3. *Age Limits.*—Candidates must have attained the age of 18 years on the 1st July 1907, and not have attained the age of 22 years on the 1st January 1907.

4. *Nationality, &c.*—Every candidate must be a natural-born British subject. He must be unmarried, and if he marries before reaching India he will forfeit his appointment.

5. *General Qualifications.*—Candidates must bring evidence, for consideration by the Selection Committee, to show that they have received a good general education.

Note.—This should be understood to include, at the least, a fair knowledge of English Composition, Mathematics—up to and including Plane Trigonometry,—Latin, and either German or French. A knowledge of Greek is not necessary, but is left to the option of the candidates.

The production of School Certificates granted by the examining authorities of Universities, or of certificates that a candidate has passed the Matriculation Examination of a University, in the subjects named, or of other certificates held by the Secretary of State in Council to be equivalent, will be taken to show that a candidate satisfies the requiremements of this clause.

6. *Special Qualifications desirable.*—It is also desirable that candidates should possess a knowledge of Chemistry, and also of Mechanics and Physics, as indicated in the appended Syllabus.

If any candidate be selected for appointment who does not possess a knowledge of Inorganic Chemistry, he will be required to pass in it within six months after his selection.

7. *Medical Examination.*—Those candidates who are selected as Probationers will be required to undergo a strict examination by a Medical Board at the India Office at which particular stress will be laid on good vision and hearing.

On passing this medical examination candidates will be deemed to be Probationers for the Indian Forest Service.

8. *Period of Probation.*—The period of probation will ordinarily extend over about three years. For the first two years the Probationers will be required to undergo a special course of study at Oxford and to become members of the University if not so already. During the third year of their probation they will receive practical instruction, visiting under suitable supervision such Continental forests as may be selected for the purpose. Excursions may also be made for purposes of study during the first two years, both in term-time and in the vacations.

9. *Shortened Probation in certain cases.*—In the case of any Probationer who has passed with Honours in a public examination in Natural Science held by a University in Great Britain or Ireland, the Secretary of State in Council reserves power, should he think fit, to sanction the reduction of the period of probation to two years instead of three, under such conditions as may be determined.

10. *Charges.*—The Probationers will be required to defray all expenses for lodging, board, tuition, and excursions within the limits of the United Kingdom which they may incur during the period of their probation at Oxford. To meet the cost of practical instruction on the Continent, each Probationer will be required to pay the sum of 180*l*., in such instalments as may be determined from time to time.

Note.—Ordinarily a sum of 20*l*. will be due on the 15th June of the first year, and the balance in three instalments during the third year. In the case of Probationers whose term of study has been reduced (*see* paragraph 9), the payments must be made during the two years, as may be required.

11. *Course of Study.*—The prescribed course of study for the Probationers comprises the following subjects :—

I.—*Subjects auxiliary to Forestry.*

(1) Chemistry of soils and Elementary Organic Chemistry.

(2) Geology.

(3) Elements of Zoology and Forest Entomology.

(4) Botany.

(5) Geometrical Drawing, and Elementary Engineering.

(6) Surveying.

(7) Book-keeping, in reference to Indian Forest Accounts.

(8) German or French, as required.

II.—*Forestry, Theoretical and Practical, in all its Branches.*

12. *Conduct and Medical requirements.*—Every Probationer will be required to conduct himself during the period of probation in a manner satisfactory to the Secretary of State, and to give evidence of satisfactory progress in his studies in such manner as may be required, failing which, or in the event of serious misconduct, he will be liable to have his name removed from the list of Probationers.

A Probationer may also, at the discretion of the Secretary of State, be required from time to time to appear before the Medical Board, and, should the result be unsatisfactory, he will be liable to have his name removed from the list of Probationers.

13. *Diploma of Forestry, &c.*—During the period of Probation, the proficiency of the Probationers will be tested by periodical examinations.

The Probationers who satisfy the Examiners in all these examinations, and complete satisfactorily the practical course in Forestry on the Continent, will receive the Diploma of Forestry of the University of Oxford. It is desirable that they should, if possible, also obtain a degree in the Honour School of Natural Science at the University.

14. *Appointment and Seniority.*—Probationers who obtain the Diploma of Forestry, and are of sound constitution and free from physical defects which would render them unsuitable for employment in the Indian Forest Service, will be appointed Assistant Conservators in the Indian Forest Department. Their seniority will be determined by the results of the examinations held during their two years' residence as Probationers at Oxford and the manner in which they have completed the practical course on the Continent. Probationers whose term of study has been reduced (*see* paragraph 9) will rank immediately below the successful Probationers of the previous year.

They will be allowed, at the end of the period of probation, to state their preference in respect to the Provinces to which they desire to be allotted; but the distribution will be made to the several Provinces according to the needs of the public service, at the discretion of the Secretary of State for India. Officers are, however, at all times liable to be transferred from one Province to another at the pleasure of the Government of India.

15. *Riding.*—Every Probationer, before proceeding to India, will be required to satisfy the Secretary of State, in such manner as may be determined, of his ability to ride. It is desirable that this evidence should be forthcoming before the Probationer proceeds to the Continent for his final period of study.

16. *Articles of Agreement, &c.*—Within a month of his nomination as Assistant Conservator, each nominee must sign articles of agreement describing the terms and conditions of his appointment; he must embark for India when required to do so by the Secretary of State and must engage his own passage. Failure to embark at the stated time will, in the absence of satisfactory explanation, lead to forfeiture of appiontment.

17. *Allowances.*—An allowance will be granted to each Probationer on signature of his agreement, varying from 50*l.* to 100*l.*, according to the degree of proficiency and diligence shown by him during his practical course upon the Continent.

18. *Salary.*—An Assistant Conservator of Forests will draw pay at the rate of Rs. 380 a month (equivalent to 304*l.* a year, when the rupee is at 1*s.* 4*d.*) from the date of his reporting his arrival in India.

19. *Promotion, Leave, Pension, and Provident Fund.*—Promotion, leave, and pension will be governed by the Regulations laid down by the Government of India, and made applicable to Forest officers, such regulations being subject to any modifications or alterations which may be made in them from time to time by the Government of India, and their interpretation in case of any doubt arising being left to that Government. A copy of the existing regulations can be seen on application at the India Office.

Certain information regarding appointments in the upper controlling staff the India Forest Service, the pay of which has been recently improved, will be found in Appendix II; a summary of information regarding Leave is contained in Appendix III, regarding Pensions and Provident Fund in Appendix IV.

INDIA OFFICE,

5th February 1907.

Appendix I.

(*Referred to in paragraph* 6.)

SYLLABUS OF SPECIAL SUBJECTS.

I.—CHEMISTRY.

The simpler chemical and physical properties of common substances, such as lime, salt, sugar, water, air.

The preparation (excluding details of technical processes) and properties of the following substances:—

The metals, tin, lead, iron, copper, zinc, magnesium, calcium, potassium, sodium; their simpler and more important compounds, especially such as occur naturally, and such compounds and alloys as are used in the Arts.

Hydrogen, oxygen, water, ozone, hydrogen peroxide.

Nitrogen, ammonia, ammonium salts, nitrous oxide, nitric oxide, nitrogen peroxide, nitrates.

Carbon, carbon dioxide, carbonates, carbon monoxide.

Chlorine, bromine, iodine, chlorides, bromides, iodides, chlorates, hypochlorites.

Sulphur, sulphuretted hydrogen, sulphides, sulphur dioxide, sulphur trioxide, sulphites, sulphates.

Phosphorus, phosphoretted hydrogen, phosphorus trioxide, phosphorus pentoxide, orthophosphates, phosphorus trichloride, phosphorus pentachloride.

Silica.

The principles of chemical change; oxidation and reduction; combustion; flame. Allotropy. Methods of purifying bodies. Methods of determining the composition of air and of water. Laws of chemical combination. Diffusion of gases. The atomic and molecular hypotheses The simpler methods of determining equivalents. General considerations used in determining molecular weights and atomic weights. Chemical notation

Alcohol, ethane, and the simpler ethylic compounds, considered in detail as typical bodies. Methylic alcohol and methane, and benzylic alcohol and toluene, considered briefly as analogues of alcohol and ethane. Characters of primary normal alcohols in general, and of their corresponding hydrocarbons.

Acetic acid, aldehyd and the simpler acetic compounds, considered in detail as typical bodies. Benzoic acid and benz-aldehyd, and formic acid and form-aldehyd, considered briefly as analogues of acetic acid and aldehyd. Characters of normal mon-acids in general and of their corresponding aldehyds.

Oxalic acid and the simpler oxalic compounds. Characters of normal di-acids in general.

Processes (*i*) for the detection of carbon, hydrogen, nitrogen, sulphur in organic compounds; (*ii*) for the estimation of carbon, hydrogen, nitrogen inorganic compounds; (*iii*) for the production and analysis of the silver-salts of organic acids and the platinum-salts of organic bases; (*iv*) for the determination of vapour densities by the V. Meyer method.

The determination of the formula of an organic compound.

PRACTICAL WORK.

The Practical Work should include :—

Simple experiments and preparations illustrating the properties of the inorganic substances named above.

Simple quantitative experiments, such as, the determination of the loss of weight on heating a body, the determination of the volume of gas evolved on the solution of zinc in acid. The volumetric estimation of acids and alkalies.

The qualitative analysis of simple salts containing not more than one of the following metals, and one of the following acid radicals:—Sodium, potassium, ammonium, calcium, magnesium, zinc, copper, iron, lead, tin, oxide, carbonate, chloride, sulphate, nitrate sulphide.

II.—MECHANICS AND PHYSICS.

Mechanics.

The principles of the lever, the inclined plane, the composition of forces, and virtual work, their experimental investigation and application to machines and other simple cases of equilibrium. Centre of gravity, couple, torque, velocity ratio, mechanical advantage, efficiency. Application to liquids and gases. Density Boyle's law. Pump, siphon, barometer, manometer. Body moving in a straight line so that its velocity changes proportionally with the time. Body moving uniformly in a circle. Motion of pendulum-bob. Momentum, force, impulse of a force, energy, conservation of energy.

Heat.

Simple thermometry. Simple methods of determining latent heats; specific heats; expansion of gases, liquids and solids; vapour pressures. Change of state. Simple experiments on conduction, convection and radiation. Mechanical equivalent of heat.

Sound.

Direct determination of the velocity of sound in air and in water; the effect of change of temperature on the velocity of sound in air; mode of propagation of sound in air. Simple methods of determining the pitch of a note. Characteristics of musical sounds.

Light.

Laws of reflection and refraction. Simple methods of determining refractive indices, and the focal lengths of mirrors and lenses. The simplest form of the compound microscope and of the astronomical telescope. Dispersion, the spectroscope, spectra of different kinds. Simple photometry. Elementary notions of the determination of the velocity of light.

Electricity and Magnetism.

Properties of electrified bodies Methods of electrification. Electric induction. The gold leaf electroscope. Elementary quantitative notions of electrical quantity, capacity, potential and specific inductive capacity. Condensers. Properties of magnets. Methods of magnetization. Magnetic induction. Simple methods of determining the declination and dip at a place and of comparing magnetic fields and moments. The construction of the batteries of Volta, Daniell, and Leclanché, and their theory. The secondary battery. The physical and chemical action due to a current. Simple galvanometers, ammeters, and voltmeters. Measurement of current-strength, electromotive force and resistance. The production of currents by electro-magnetic induction. The broad principles of the induction-coil and dynamo.

PRACTICAL WORK.

Simple experiments illustrating the principles stated above.

Appendix II.

LIST OF APPOINTMENTS IN THE UPPER CONTROLLING STAFF OF THE INDIAN FOREST SERVICE.

NOTE.—*This list shows only the existing number of sanctioned appointments, which is liable to alteration at any time. Forty-three of the appointments shown below in the various grades of Deputy and Assistant Conservators are being gradually transferred to the Provincial Forest Services, which are recruited in India. The rest of the appointments named are held by members of the Imperial Forest Service, which is recruited under these regulations.*

Number according to existing sanctioned scale.	Appointment.	Salary.
		Rs.
1	Inspector-General of Forests	2,650 a month.
2	Chief Conservators (Burma and Central Provinces)	2,150 ,,
* 19	Conservators, in three grades	1,900 ,, / 1,700 ,, / 1,500 ,, respectively.
* 136	Deputy Conservators	Rs. 380 a month, rising by annual increments of Rs. 40 a month to Rs. 700 a month; thereafter, by annual increments of Rs. 50 a month to Rs. 1,250 a month, in the twentieth year of service.
* 72	Assistant Conservators	
9	Foreign Service appointments (four temporary)...	
1	Assistant Inspector-General	
†5	Officers employed at the Forest Research Institute and College, Dehra Dun.	

Appendix III.

LEAVE.

1. The following is a summary of the principal regulations relating to the leave admissible to officers appointed to the Indian Forest Service by the Secretary of State from the United Kingdom.

Long Leave.

2. Furlough is admissible to an aggregate amount of six years during the service. The amount "earned" is one-fourth of an officer's active service, and the amount "due" is that amount less any enjoyed.

3 Furlough without medical certificate can, if due, be generally taken after eight years' active service, and again after three years' continuous service. It is limited to two years at a time.

4. Furlough on medical certificate may be granted (*a*) to an officer who has rendered three years' continuous service, for not more than two years, but capable of extension up to three years; and (*b*) to an officer who has not rendered three years

* These 227 appointments are assigned to the various provinces as follows:—Burma, 71; Madras, 39; Bombay, 31; Central Provinces, 25; Bengal, 18; United Provinces, 19; Punjab, 14; and Eastern Bengal and Assam, 10.

† These draw an allowance of Rs. 150 a month in addition to their salary.

NOTE.—Under the improved scale of salary shown above, no Exchange Compensation Allowance is granted.

continuous service, up to one year in any case, and up to such longer period, if any (but not exceeding two years in all), as the officer may have furlough " due " to him.

5. The allowances admissible during furlough are :—

(1) During the first two years of furlough without medical certificate and during so much of furlough with medical certificate as may be " due,"—half average salary, subject to certain maximum and minimum limits.

(2) After the expiration of the period for which the foregoing allowances are admissible,—one-quarter of average salary, subject to certain maximum and minimum limits.

Short Leave.

6. Privilege Leave is a holiday which may be granted to the extent of one-eleventh part of the time that an officer has been on duty without interruption ; and it may be accumulated up to three months, earned by 33 months' service. During privilege leave, the officer retains a lien on his appointment, and receives the salary which he would have received if on duty. An interval of not less than six months must elapse between two periods of absence on privilege leave.

Privilege leave may be prefixed to furlough, special leave, or extraordinary leave without allowances. The whole period of leave thus taken in combination is known as combined leave. Combined leave may not be granted for a period of less duration than six months, nor, except on medical certificate, may it be extended beyond two years.

7. Special Leave may be granted at any time for not more than six months, with intervals of six years' service ; allowances, calculated as during furlough, are given during the first six months only, whether taken in one or more instalments. This leave is included in the aggregate of six years' furlough admissible.

8. Extraordinary Leave without allowances may be granted in case of necessity, and, except in certain specified cases, only when no other kind of leave is by rule admissible. It may be granted in continuation of other leave.

9. Subsidiary Leave in India for a minimum of 10 days, usually with half average salary, is granted to an officer proceeding on or returning from leave out of India, or on retirement, to enable him to reach the port of embarkation or to rejoin his appointment. It is admissible only at the end and not at the beginning of combined leave.

10. Short Leave is also granted to enable officers to appear at examinations, etc.

General Rules.

11. Leave of absence, whether on furlough or on privilege leave, can never be claimed as of right, and is given or refused at the discretion of Government.

12. After five years' continuous absence from duty, an officer is considered to be out of the employment of Government.

13. When leave allowances are paid at the Home Treasury, or in a Colony where the standard of currency is gold, rupees are converted into sterling at the rate of exchange fixed for the time being for the adjustment of financial transactions between the Imperial and Indian Treasuries, unless any other rate has been exceptionally authorised. But for the present the rate of conversion is subject to a minimum of *1s. 6d.* to the rupee.

Appendix IV.

PENSIONS AND PROVIDENT FUND.

1. The following is a summary of the principal pension rules applicable to officers of the Indian Forest Service appointed by the Secretary of State from the United Kingdom.

An officer of the Indian Forest Service is eligible for a pension on voluntary retirement after completing 20 years' qualifying service or attaining the age of 55 years. If at an earlier date he is compelled to retire from the service through ill-health not occasioned by irregular or intemperate habits, he becomes eligible for an invalid pension or a gratuity according to the length of his service.

The amount of pension or gratuity is regulated as follows:

After a service of less than 10 years, an invalid gratuity not exceeding one month's emoluments for each completed year of service.

After a service of not less than 10 years an invalid pension not exceeding the following amounts:

Years of Completed Service.	Maximum Limit of Pension.
10	Rs. 1,000 a year or Rs. $83\frac{1}{3}$ a month.
11	" 1,400 " " $116\frac{2}{3}$ "
12	" 1,800 " " 150 "
13	" 2,200 " " $183\frac{1}{3}$ "
14	" 2,600 " " $216\frac{2}{3}$ "
15 16 17 18 19	3,000 " " 250 "

After a service of not less than 20 years, a retiring pension not exceeding the following amounts:

Years of Completed Service.	Scale of Pension. Sixtieths of Average Emoluments.	Maximum Limit of Pension.
20 to 24	30	Rs. 4,000 a year or Rs. $333\frac{1}{3}$ a month.
25 and above		" 5,000 " " $416\frac{2}{3}$ "

Officers who have shown special energy and efficiency during an effective service of three years as Inspector-General of Forests or Conservator (First Grade) may, at the discretion of the Government of India, be allowed an additional pension of Rs. 1,000 a year.

Subject to certain prescribed conditions, rupee pensions are now issued to pensioners residing in countries where the Indian rupee is not legal tender at the rate of exchange of 1*s*. 9*d*. the rupee.

2. A Provident Fund has also been established on the following basis:—

(*a*) The contribution is compulsory up to 5 per cent. on salaries, with voluntary contributions of a further 5 per cent.; while on leave, an officer may subscribe any sum he pleases, subject to a minimum of 5 per cent on his leave allowances and a maximum of 10 per cent. on his salary.

(*b*) Compound interest on such payments is annually credited by Government to each officer subscribing, the rate being at present 4 per cent. per annum.

(*c*) Receipts and payments are made in rupees only.

(*d*) The sum which will thus accumulate to the credit of an officer to be his absolute property, to be handed over to him unconditionally on quitting the service; or, in the event of his death before retirement, to his legal representatives.

For Office use only.
No.
Ackd.

INDIAN FOREST SERVICE.

Form to be filled up by Candidates for Appointment as Probationer, 1907.

No person will be considered as a Candidate from whom the Secretary, Judicial and Public Department, India Office, Whitehall, London, S. W., shall not have received, on or before Monday, the 1st July 1907, *at latest, an application on this form.*

If Candidates who fill up and return the Application Form do not receive an acknowledgment of it within four complete days, they should communicate with the Secretary, Judicial and Public Department.

INDIA OFFICE,

5th February 1907.

1	Name in full.
2	Address. (*Any alteration to be notified to the Secretary, Judicial and Public Department, India Office, Whitehall, London, S. W.*)
3	Date of Birth. (*Copy of Birth Certificate to be appended, or other satisfactory evidence as to date of birth to be supplied.*)
4	Profession or occupation, and nationality of father.

5	The names of any near relatives who have been, or are now, in the service of the Indian Government, and the appointments at present, or immediately before retirement or decease, held by them.
6	All Institutions where educated, since the age of 15, with dates, distinguishing whether or not the Candidate was in residence at such Institutions. *From* *to* *at* *From* *to* *at* *From* *to* *at* *From* *to* *at*

7	Evidence that the Candidate has received a good general education, as described in Clause 5 of the Regulations. (*Certificates of any examination or examinations passed should be appended.*)
8	Information whether the Candidate possesses a knowledge of (1) Mechanics and Physics, and (2) Chemistry, as outlined in Appendix I. (*Any certificates to be appended.*)
9	Whether married or single.

10	Names and Addresses of persons (not more than three, of whom at least one should be connected with the Institution at which the Candidate has last studied) who can testify as to conduct and character during the last four years. (*Satisfactory testimonials as to these points to be appended.*)
11	Whether the Candidate has in any previous year applied for an appointment under the Government of India.

Signature ____________________

Date ____________________ 1907.

ORDERED that a copy of the foregoing Regulations be forwarded, for information, to the Local Governments and Administrations noted on the margin, the Inspector-General of Forests, and the Comptroller, India Treasuries. Also that the Regulations be published in the Supplement to the *Gazette of India*.

Bengal.	Central Provinces.
United Provinces.	Coorg.
Punjab.	Ajmer.
Burma.	Andamans.
Eastern Bengal and Assam.	Baluchistan.
North-West Frontier Province.	

J. WILSON,

Secretary to the Government of India.

FROM THE "SUPPLEMENT TO THE GAZETTE OF INDIA," DATED APRIL 27, 1907.

No. 3580—3600—5.

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE AND INDUSTRY.

COMMERCIAL EXHIBITION.

Simla, the 25th April 1907.

RESOLUTION.

The following papers relative to the Franco-British Exhibition, which will be held in London in the year 1908, are published for general information. The Government of India have decided not to participate in the Exhibition.

FRANCO-BRITISH EXHIBITION, LONDON, 1908.

No international movement in recent times has given more profound satisfaction to the people concerned than the growth of friendship with our continental neighbours and the efforts made to extent our commercial relations with them, and specially with those whose industries are complementary rather than competitive with our own. Foremost amongst those nations whose commerce with the United Kingdom is of that satisfactory description is France, and the idea of increasing the commercial intercourse between the two countries and materialising their friendly relations was proposed by the French Chamber of Commerce in London towards the end of 1905, and was eagerly taken up on both sides of the Channel. The proposal was brought before the French Government through M. Cambon. then Ambassador in London, and met with the warm support of the French Minister of Commerce, M. Doumergue, who invited the opinion of the Comité Français des Expositions á l'Etranger, which acts as the official representative of the French Government and French exhibitors at all foreign exhibitions in which they take part. This body received the proposal with the greatest enthusiasm.

A crowded and representative meeting was held at the Mansion House on July 11th, 1906, with the Lord Mayor in the chair, and after the Duke of Argyll, the Honorary President, had explained the objects in view, a resolution was unanimously passed approving the steps already taken. It was also resolved that all profits should be devoted to some public purpose, and authority was given for the appointment of the necessary committees and the establishment of a guarantee fund.

A telegram sent by the Lord Mayor to the President of the French Republic informing him of the success of the meeting received a reply through the Ambassador, assuring his Lordship that the French Government would not fail to give its cordial support to the Exhibition. A deputation from the French Committee subsequently visited London, inspected the site selected at Shepherd's Bush, and expressed their high approval both of the grounds and of their accessibility from all parts of the metropolis and suburbs.

The French Minister of Commerce, who presided at a dinner given in Paris in October, 1906, by the French Committee to the Lord Mayor, repeated the assurance of support previously given, *viz*, that the French Government had from the first associated itself with the project, which he was sure would have a great success. In the course of a banquet given by the Fishmongers' Company in honour of the Exhibition the Prime Warden, Sir Richard B. Martin, Bart., expressed his conviction that the Exhibition would be of the greatest importance in further cementing the interests of both nations. On the same day the British Empire League held a meeting at the House of Commons, at which Viscount Selby, late Speaker of that branch of the Legislature, moved a resolution which was unanimously agreed to, which not only promised the support of the League to the Exhibition, but invited its members to do all in their power to ensure its success.

The Exhibition of Franco-British Arts, Manufactures, and Industries will be opened early in May, 1908.

The site originally selected at Shepherd's Bush contained 98 acres, and an adjoining 42 acres have since been secured. The principal entrance is immediately adjoining the station of the Central London Railway (popularly known as the Tube) and the Uxbridge Road station of the West London, London and North-Western, and Great Western Railways, the Metropolitan, Hammersmith and City Railway station, the Great Western, Ealing and Shepherd's Bush Railway new station, and in close proximity to the Shephard's Bush station of the London and South-Western Railway, and in direct communication with the District, North London, Metropolitan London, Brighton and South Coast, South-Eastern and Chatham, and Great Central Railways. It is besides at

the centre of a net-work of tramways and omnibuses connected with all parts of London and its suburbs, and capable of conveying to the spot 75,000 persons per hour, or nearly a million visitors per day, during the hours in which an exhibition is usually kept open.

The exhibits will be housed in twenty places, each of which will be a marvel of architectural beauty, and each will be thoroughly fireproof, not a particle of wood being used in its construction. Amongst the larger buildings will be the Machinery Hall, which will contain with its annexes 321,066 square feet of floor space and will be the largest ever constructed in this country. Other places will be devoted to Education, Fine Arts, Liberal Arts and various processes, Electricity, Science, Applied Arts, Music. The restaurants, cafés, garden-clubs, sports arena (which will occupy a considerable area), tracks for automobiles, cycles, etc., and attractions and amusements generally are contiguous to but apart from the Exhibition proper. Arrangements have been made for the erection, if required, of annexes, which will retain the same features of architectural beauty which belong to the buildings to which they form extensions.

The Exhibition of painting, sculpture, and the fine arts generally, which will be housed in a palatial edifice, will be larger than at any previous exhibition in London, and visitors will be able to view the finest collection of French and British modern art which has ever been brought together.

One half of the entire space of the Exhibition will be devoted to the display made by France, which will be upon a more extensive scale than at any exhibition ever held by France outside Paris. When it is recollected that at St. Louis the French Exhibition occupied 77,212 square metres, more than 800,000 square feet, the magnitude of the French section of the Franco-British Exhibition will readily be realized. A special association has been formed to arrange for the representation of the French Colonies, and it is intended to send a comprehensive collection illustrating their produce and resources, which will be displayed in buildings showing the various styles of architecture peculiar to those countries, and reproducing the picturesque features of the French Colonies at the Paris Exhibition of 1900, and more recently at the Colonial Exhibition held at Marseilles during the present year.

British manufacturers and producers will be afforded the opportunity which they have not enjoyed since 1862 of being able to display in the Metropolis of the Empire the progress which has been made in every department of human invention and industry since the middle of the last century, and they will for the first time be able to exhibit with the aid of an organization similar to that enjoyed for many years past by French exhibitors, so that the display made by the United Kingdom will be presented in such a manner that the attention of visitors will be drawn to its excellence so irresistibly that they will not be tempted to leave it without a thorough examination.

Facilities will be given to exhibitors and visitors by the establishment of a system of commercial bureaus. The principal one, at the main entrance to the Exhibition, will contain a department by which a visitor can at once obtain full information as to the locality where every exhibit can be found, its nature and character, and any literature which has been prepared in connection with it. Any person coming to the Exhibition in order to see the display made by any industry will be able to gratify his wishes without any loss of time; and on the other hand persons attracted by any exhibit will be able to obtain all the information available about it with the smallest expenditure of time. Branch bureaus will be established in all the buildings of the Exhibition.

Negotiations are being conducted with all the British Colonies and Dependencies, and it is anticipated that they will take advantage of the Franco-British Exhibition to demonstrate that within the boundaries of the British Empire can be obtained all the necessaries and luxuries demanded by modern civilisation.

Favourable arrangements for the conveyance of passengers and exhibits have been made with the various lines of railway by which continental travellers reach London, and excursion trains will be run direct to the grounds at Shepherd's Bush from the various provincial centres of population. A special committee will supervise the comforts of visitors from the country and abroad, protect them from overcharge, procure them accommodation at reasonable terms, and enable them to thoroughly inspect the Exhibition with the maximum of enjoyment, and at the minimum of fatigue.

Special attention has been given to the musical arrangements, which will be upon a scale of magnitude unprecedented at any exhibition ever held in London, and amusements of the most varied nature will be provided. But the area devoted to attractions will be apart from the Exhibition buildings.

The gastronomic fame of French caterers is a sufficient guarantee that the refreshment department of that portion of the buildings and grounds occupied by them will be worthy their high reputation. The British restaurants, tea rooms, etc., will be conducted on a scale of equal efficiency, and will be under the direct control of the Exhibition authorities.

A large area of space has already been applied for, and it is anticipated that the contributions of the British possessions beyond the seas will be larger than at any previous exhibition. British manufacturers and producers are therefore advised to send in their applications for space as speedily as possible, in order that they may be examined by the committee of the special group to which they belong, and which will decide whether they are worthy of admission, the charge for space, and all particulars.

FRANCO-BRITISH EXHIBITION, 1908.

SHEPHERD'S BUSH, LONDON, W.

Agreement for concessions.

AGREEMENT made this ____________ day of ____________ 190___, BETWEEN THE EXECUTIVE COMMITTEE OF THE FRANCO-BRITISH EXHIBITION INCORPORATED, of London (hereinafter called the Association) of the one part, and ____________ of ____________ (hereinafter called the Concessionaire), of the other part, WHEREAS both parties hereto are desirous of entering into the Agreement hereinafter contained. NOW THIS AGREEMENT WITNESSETH and it is hereby agreed by the Association on the one part, and by the Concessionaire on the other, as follows :—

1. The Concessionaire hereby agrees to accept and comply in every respect with the Rules and Regulations annexed hereto, and to provide and run at his own cost and expense for the purpose of exhibiting, showing or demonstrating in the Exhibition Grounds at Shepherd's Bush, London, W., the following, which is hereafter called the Concession.

____

____

____

____

____

____

____

____

____

____

the Concessionaire is to bear all working expenses, also to pay the salaries and wages of all persons, performers, attendants and others, forming and being connected with the said Concession, and also to pay the wages of a Turnstileman, Cashier or Ticket-Taker; who is to be supplied by and to be the servant of the Association, commencing on the date of the opening of the Exhibition in or about the month of May 1908 and continuing during the continuance of the Exhibition Season, giving during all hours the said Exhibition is open to the public ____________ Entertainments or Shows daily.

2. The said Concessionaire further agrees to take out in a first-class Insurance Company, to the approval of the Association, a Third Party Risk Insurance Policy for the sum of £ __________ in the joint names of the Concessionaire and the Association.

3. The Concessionaire hereby authorises the Association to issue such Press and other Complimentary Passes or Tickets as the Association may think desirable, which it is understood shall be accepted for admission to the said Concessionaire's Concession without any charge whatsoever to the Association, and the Concessionaire agrees not to exhibit, show or represent elsewhere his said Concession in ____________ before the ________ day of ____________, 190___, or within six months after the termination of this Agreement.

4. In consideration of the faithful performance of the above, and the compliance with the annexed Rules and Regulations by the Concessionaire, the Association agree to permit him to use the site, or building, or portion of a building in its present condition

marked red on the plan annexed hereto for the purpose of the said Concession, but for no other purpose or purposes whatsoever during the term above-mentioned, and to pay to said Concessionaire______________per cent., of the gross receipts taken for or in connection with said Concession.

5. The charge of admission to the said Concession shall be____________per person and admission shall only be obtained through registering turnstiles, or by tickets, to be provided by the Association, and all moneys for such admissions shall be collected daily by the Money-Taker employed by the Association, a copy of such daily returns thereof shall be at the disposal of the Concessionaire, and the Association will pay to the Concessionaire__________per cent., of the gross receipts of all moneys received by them for and in respect of the said Concession in the following manner :—

6. The Association will make up the accounts for the week on the Saturday of each week and pay to said Concessionaire all sums due in respect of said__________per cent. on the Wednesday following in each week, less any deductions which may be authorised by the Concessionaire. The Concessionaire may, at all reasonable hours, inspect the Association's books of accounts in respect of moneys received by them in respect of the said Concession.

7. It is understood that the Association will make a charge to the public for entrance to the Exhibition, and no member of the public shall be admitted to the site, building, or part of a building used by the Concessionaire, except persons who may be so or otherwise authorised to be admitted to the Exhibition by the Association, and the Concessionaire shall not be entitled to any portion of any moneys received by the Association for admission to the Exhibition or otherwise, except only in respect to admissions to his, the Concessionaire's Concession above specified.

8. The Concessionaires shall not, by virtue of these presents or otherwise, acquire any legal interest or estate in the said site, building or part of building to be used by said Concessionaire, but shall merely be permitted to use the same for the purpose of said Concession, during the period above mentioned.

9. It is hereby agreed that the following Rules and Regulations annexed hereto shall form part of this Agreement, and the parties hereto shall be bound by them accordingly.

IN WITNESS whereof the parties hereinbefore mentioned have hereunto set their hands the day and year first above written.

*Signature*____________________

*Witness*____________________

*Signature*____________________

*Date*____________________

GENERAL RULES AND REGULATIONS OF THE EXHIBITION.

For Concessions, Entertainments, Attractions and Shows.

Opening and closing.

1. It is intended that the Exhibition will be opened in or about May of 1908, from about noon to about 11 P. M. daily, except Sundays, and remain open for a period of about twenty weeks, but the Association reserve the right to extent or reduce this period or these hours. Due notice will be given as to the opening and closing of the Exhibition.

Change of plan.

2. The Association, whilst intending to adhere as closely as possible to their published plans and General Rules, reserve the power to make any modifications or alterations they may desire.

Installation and removel.

3. Concessionaires agree to pay all expenses of conveying, delivering, arranging, fixing and removing everything connected with their Concession, and also the costs of erection of all building (if any), structures, partitions, fixtures, screens, decorations etc., required: and they must personally, or by their representative, superintend the transmission, reception unpacking, installation, and (at the close of the Exhibition or expiration of this Agreement, whichever shall first happen) the removal of their goods at the expense of the

Concessionaire, and all articles connected with their Concession. The Association reserve to themselves the right of doing at the expense of the Concessionaire whatever they may consider necessary unless this Regulation is strictly complied with.

Underletting.

4. No Concessionaire shall assign, tranfer or underlet or part with the possession of any site or building or portion thereof allotted to him, or dispose of any part or interest in the Concession, nor place thereon any other than his own duly approved Concession, and the Concessionaire hereby declares that no other person other than the name or names appearing in the above Contract is pecuniarily or otherwise interested with him, and he further agrees that he will not, after the signing of the above Contract, enter into partnership in respect of this Contract or his Concession without the written sanction of the Association, which consent the Association shall not be bound to concede. Any breach of this rule renders the Concessionaire liable to have such Contract forfeited, and he shall not be entitled to any compensation, nor the return of any monies whatever from the Association.

Refreshments.

5. No articles of alimentation, refreshment, food, drink or tobacco shall be either brought, sold, given away or consumed at, on or in any site, building, or part thereof used for the Concession by any Concessionaire or his employés without the written permission of the Association, or unless it is expressly provided to the contrary in the Concessionaire's agreement with the Association.

No deception.

6. No deception of the public of any kind will be allowed. Anything which has not been clearly described, or which shall not be approved of by the Association, shall not be permissible for exhibition or display to the public, and the Association reserve the right to refuse the admission to, or to enforce the removal from, the Exhibition at any time of any article or object which they may deem unsuitable, dangerous, or in any way objectionable without assigning any reason, and the Concessionaire hereby exonerates the Association from any claim whatsoever in reference to any article or object so refused or removed.

Distinctive mark.

7. All cases and goods for the Exhibition must bear on **two** sides the distinctive mark /F/B/E/ together with the name of the Concessionaire and particulars of the Concession, as well as the name of the site or building which the same is intended for, and title of Exhibition.

Receipt of goods.

8. No goods or objects of any kind will be received earlier than four weeks before the date fixed for the opening of the Exhibition, unless special permission in writing has been obtained from the Association.

Removal of empties.

9. All cases must be unpacked immediately after arrival, and the empty cases and litter removed forthwith by the Concessionaire from the site, building and Exhibition grounds; otherwise the Association reserve the right of doing this at the expense of the Concessionaire. The Association will not take any responsibility in reference to cases.

Local and other requirements.

10. All structural or other works, and everything else supplied by the Concessionaire, must at all times be in accordance with the regulations and subject to the approval of the London County Council, Local and all other authorities.

Alterations.

11. Any constructional work in connection with the Concession is at all times subject to the approval of the Association. And where the Concession is installed in any building no staple or other attachment shall be driven into the floor or wall, nor must the flooring, walls or roof be altered, removed or strengthened, except by the sanction in writing of the Association, and at the expense of the Concessionaire.

Structures subject to approval.

12. All constructions, fittings, decorations, designs, announcing boards, advertisements, flags and signs, etc., shall be new and subject in all respects to the approval of the Association, who may cause to be removed, or altered, anything they may deem objectionable. The Concessionaires must not display advertisements or notices other than those referring to their own Concession.

13. The Association may appoint an official Contractor or Contractors for buildings and erections of every kind, stands, fittings, decorations and signs to attend the Exhibition to take orders. No other Contractor will be allowed to solicit orders on the Exhibition premises; Concessionaires can, however, employ their own contractor or fitter, who will be admitted on their written request, but he must be subject to the rules and regulations of the Exhibition, and the Concessionaire shall be responsible for all his work and actions.

Official contractor.

14. Provision will be made where practicable at the Concessionaire's expense and risk for the supply of electric power for the Concession to be shown in motion and for the supply of electric current, gas and water if application is made on the official forms provided for that purpose. Concessionaires must state the approximate amount of electric current, gas or water they may require, and the Concessionaire agrees to pay the Association for all work in connection with the fitting and installation of the electric current, gas or water, so required by him for his Concession at the usual local prices, and further agrees to pay such deposit as may be required to sufficiently cover the expense of all electric current, gas or water which may be consumed The Concessionaire, his agents or servants are not allowed to interfere in any way with the electric, gas or water fittings or installations, nor is any work connected therewith allowed to be carried on except by persons duly authorised in writing by the Association.

Supply of electric current, gas, and water.

15. If any damage or injury shall be caused or occasioned before the opening, during the season, or after the close of the Exhibition, by the Concessionaire or any person employed by him or by any apparatus, or by the erection, installation, use or removal thereof, or by any object connected with the Concession, or belonging to, or under the control of the Concessionaire, to any Visitor or Exhibitor or Concessionaire, or to any Officer, Servant, Employé or Tenant at the Exhibition, or to any person whomsoever, or to any object or thing, the Concessionaire shall indemnify and save harmless the Association from and against all damage or injury, and all claims, demands, actions, suits, costs and expenses in respect thereof.

Responsibility for accidents.

16. Every Concession shall be at the sole risk and responsibility of the Concessionaire, and the Association will not be responsible for the safety of any property or for loss or damage occurring from any cause whatsoever, whether by fire, the elements, theft or otherwise, to any Concession or other property belonging to any Concessionaire or any person, and Concessionaires shall insure their property against all risks. No Concessionaire shall do any thing to jeopardise the lease, current Insurances or Licenses of the Association, and they must comply with all requirements of the Association's Fire Insurance Offices and Local and all other Authorities.

Responsibility for damage.

17. No Concessionaire will be allowed to use unprotected lights, or fire or oil in any manner, unless special permission in writing has been first obtained from the Association, which permission may be withdrawn at any time. All fulminating, obnoxious, dangerous and explosive substances are absolutely forbidden. The Association reserves to themselves the right of examining, testing or having tested anything brought upon or to the premises.

Dangerous articles.

18. It is intended to hold a press view seven days before the opening of the Exhibition, and it is essential that all the Concessions shall be ready and that the Concessionaire be present to give information as much in his own interests as in those of the whole Exhibition.

Press views.

19. Spaces, sites or buildings not occupied three weeks previous to the opening of the Exhibition may be otherwise allotted by the Association, and shall be forfeited by the Concessionaire as well as all payments made in respect thereof, and any balance due by the Concessionaire shall be payable as if the space had been occupied by him.

Space not occupied.

20. No goods will be allowed to be delivered at or removed from the Exhibition grounds during the hours the Exhibition is open to the public, and all cases received during the early hours must be removed before the Exhibition opens each morning.

Receipt of goods.

21. Non-transferable passes to the Exhibition will be issued to Concessionaires and a reasonable number of attendants, which shall be forfeited and not reissued or replaced if used by any other person. These passes shall only admit at such hours and entrances as may be fixed by the Association from time to time.

Admission to Exhibition.

22. Concessionaires shall not do or suffer to be done any act which may in the judgment of the Association be or grow to be a nuisance or annoyance, cause damage or disturbance to the Association, any of their tenants, the public visiting the Exhibition, or the occupiers of any adjoining sites, stalls, Concession or property, and Concessionaires hereby agree not to tout or solicit the public in any way whatsoever nor permit their agents or employees to do so. The Association shall not be responsible to any Concessionaire for the acts or conduct of any other Concessionaire, nor for the consequences of any breach of these Rules and Regulations by any Concessionaire.

Nuisances.

23. The Concessionaire shall not allow any employee, attendant or assistant to enter upon duties at the Exhibition unless and until his or her name and address has been registered in the office of the Association, and he or she has agreed to abide by the Rules and Regulations of the Exhibition.

Registration of employees.

24. All employees, attendants and other persons provided by or in the employ of the Concessionaire must be neatly dressed and at all times courteous and of seemly behaviour; they shall not solicit nor annoy the public or other Concessionaires in any way, and any assistant so doing may be expelled from the Exhibition premises by the Association and not allowed to re-enter. The Association also reserve the right to refuse admission to or remove from the Exhibition any person or persons without assigning any reason for so doing. Concessionaires and their attendants must leave the Exhibition premises each evening immediately after the close of the Exhibition.

Behaviour of employees.

25. All Concessions, buildings, sites, stalls, etc., must be properly cleaned and open for visitors before the hour of opening each day, and shall remain so during all hours that the Exhibition shall be open to the public, and if this is not done to the satisfaction of the Association, the Concessionaire hereby authorises and empowers the Association to do whatever they may deem necessary at the sole risk and expense of the Concessionaire.

Cleanliness.

26. The Concessionaires shall cause all articles left by visitors or others, or found by any of his employees, on any part of the Concessions or the Exhibition, to be immediately deposited in such offices or places as the Association may from time to time designate for that purpose.

Lost property.

27. The Association or any person or persons that they may appoint shall at all times have free access and right of entry to all and any part of the space, site or building allotted to the Concessionaire.

Right of entry.

28. No handbills or advertisements of any kind are allowed to be given away or distributed in any manner from the Concession, unless special previous consent in writing has been obtained from the Association, which consent may be withheld or may be withdrawn by the Association at their sole discretion.

Advertisements.

29. No Concessionaire shall cause or allow any article to be sold at or from the site or building or portion thereof occupied by the Concession without first obtaining the written permission of the Association for the sale of such articles, and paying the required fee therefor, which permission may be withheld or not granted, or if granted, withdrawn at any time by the Association without any cause or reason being given therefor.

Sale of articles.

30. The Association reserve to themselves the right to enclose any portion or portions of the Exhibition buildings or grounds, and to close or make a special charge for admission thereto whilst the Exhibition is open to the public, and no Concessionaire shall be entitled to demand any compensation or allowance or claim for damages from the Association by reason of their so doing.

Special charges.

31. Concessionaires must not, without the written consent first obtained from the Association, take down, or alter any part or parts of the building or Concession, or remove any part thereof.

No unauthorized removal.

32. Concessionaires shall immediately after the close of their Agreement with the Association, or the sooner termination of the same, remove from the Exhibition all their erections, fittings, decorations and goods whatsoever, and make good any damage done by them, and all charges incurred for electricity, gas or water, or damage occasioned by the Concessionaire shall be paid before the removal of any of the Concessionaire's goods from the Exhibition. Goods, cases, etc., not removed within fourteen days, or such other time as may in writing be allowed by the Association, after the termination of the agreement will be removed and warehoused at the cost and risk of the Concessionaires, or the Association may, at their discretion, sell the same by auction or otherwise, and apply the proceeds to defray the expenses incurred by them.

Removal of goods.

33. All goods, accessories, etc., shall be subject to a lien for any amount which may be due to the Association by the Concessionaires, and no goods will be allowed to be removed from the Exhibition until the written consent of the Association has been obtained for such removal.

Lien for payment.

34. No concession or part thereof shall be photographed, drawn, copied, or reproduced in any manner, without the special permission in writing of the Association, except by Agents authorised by the Association.

Photographs.

35. The Association reserve to themselves the sole right of compiling, producing and publishing catalogues, guides, programmes, souvenirs and other publications, and any announcement of advertisement the Concessionaires may desire, can only be made or published through the Association or their authorised publishers and at the established rates.

Catalogues and guides.

36. All persons and firms becoming Concessionaires declare by so doing their compliance with the whole of these Regulations, together with such regulations, additions or variations as the Association may from time to time find necessary for the good government of the Exhibition.

Further Rules.

37. The Association may determine and Contract at any time on giving the Concessionaire, or leaving at or upon the site used for his Concession, one week's notice, expiring at any time, and the Concessionaire shall not be entitled to any compensation whatsoever in respect thereof. In case any contract is determined through the Concessionaire by his own act or those of his employees, servants, etc., doing anything which may be improper, immoral or unfit for public view, or which may be contrary to the regulations of the London County Council or other authorities, or which may prejudice the License or Insurances of the Association, or be, or cause, annoyance, to visitors or neighbours, or cause, or be apt to cause disturbance, or by reason of any breach of his agreement with the Association or of these Rules and Regulations, or through fire, war, force majeure, no repayment or compensation shall be paid by the Association, or claimed by

Termination of agreement.

the Concessionaire, nor shall any amount paid by the Concessionaire be refunded. Any authorised permission or consent given by the Association may be cancelled or withdrawn at any time by the Association without any cause or reason being given for so doing.

Withdrawal at termination.

38. On the termination of this agreement the Concessionaire shall forthwith withdraw from the said site, building or portion thereof, and remove the Concession and everything connected therewith belonging to the Concessionaire therefrom, and in default the Association may re-enter and such goods may be removed by the Association, or their Agents, at the expense and risk of the Concessionaire.

Bankruptcy.

39. In the event of the Concessionaire committing any act of bankruptcy the Contract shall, if the Association so elect, be determined, and all monies due or paid by him under the Contract shall be forfeited and become the absolute property of the Association.

Right to amend Rules.

40. The right to alter, amend, add to, or cancel any of these Rules, and to waive or grant relaxation from them in individual cases is reserved to the Association.

Disputes not provided for.

41. If any question or dispute arises on any matter not provided for in these Rules, or between the Concessionaire and his Neighbours at the Exhibition, the Association reserve to themselves the right to settle such question or dispute, and the Concessionaires hereby agree that the decision of the Association shall be binding and final.

Arbitration.

42. If at any time hereafter any dispute, doubt or question shall arise between the Association and the Concessionaire touching the construction, meaning or effect of the concessions, these presents or any clause or thing herein contained, or the rights or liabilities of the said parties under any agreement with the Association, these presents or otherwise however, in relation to the premises, then every such dispute, doubt or question shall be referred to the arbitration of two indifferent persons, one to be appointed by the Association and the other by the Concessionaire, or an Umpire to be appointed by the Arbitrators in writing or by other lawful means before commencing the business of the reference, and the decision or award of the said Arbitrators or Umpire shall be final and binding one both the parties hereto, and these presents shall be deemed to be a submission to arbitration within the Arbitration Act, 1889, or any statutory modification of re-enactment thereof for the time being in force.

Terms.

43. In the above Rules and Regulations, the term Association shall mean the Executive Committee of The Franco-British Exhibition Incorporated; the term Exhibition, The Franco-British Exhibition, Shepherd's Bush, London, W.; Concessionaire, the firm, company, person or persons, whose signature or signatures is or are written at the foot of these Rules; Concession, the Attraction, Entertainment or Show belonging to the Concessionaire as set forth in the contract with the Association; the site, building or portion thereof, any space allotted to the Concessionaire for his Concession by the Association under contract between the said parties.

I/We have read the foregoing Rules and Regulations, and do hereby agree to, and accept the same.

Signature of Concessionaire ______________________

______________ *day of* ______________ 190

General Classification of Exhibits.

GROUP I.—Education.

Class 1. Elementary, Higher Elementary, and Continuation Schools.

The Education of Defectives.

" 2. Secondary Education.

" 3. Higher and University Education.

" 4. Technical Education. Industrial and Commercial.

" 5. Special Teaching of Fine Art, including Music.

" 6. Agricultural Education.

GROUP II.—Fine Arts.

Class 7. Paintings, Cartoons, Drawings.

" 8. Engraving and Lithography.

" 9. Sculpture.

" 10. Architecture.

GROUP III.—Liberal Arts.

Class 11. Typography and Various Printing Processes.

" 12. Photography.

" 13. Books and Publications, Newspapers, Posters, and Bookbinding.

" 14. Maps and Apparatus for Geography and Cosmography, and Topography.

" 15. Mathematical and Scientific Instruments, Coins and Medals.

" 16. Medicine and Surgery.

" 17. Musical Instruments.

" 18. Theatrical Appliances and Equipment.

GROUP IV.—Mechanical Engineering.

Class 19. Steam Engines.

" 20. Various Motors.

" 21. General Machinery.

" 22. Machine Tools.

GROUP V.—Electricity.

Class 23. Mechanical Production and Utilisation of Electricity.

" 24. Electro-chemistry.

" 25. Electric Lighting.

" 26. Telegraphy and Telephony.

" 27. Various Applications of Electricity.

GROUP VI.—Civil Engineering.

Class 28. Materials, Plant, and Processes relating to Civil Engineering.

Class 29. Models, Plans, and Drawings relating to Public Works. Architectural Engineering.

GROUP VII.—Transportation.

Class 30. Carriages, Wheelwright Work, Motor-Cars and Cycles.

" 31. Saddlery and Harness.

" 32. Railway and Tramway Plant.

" 33. Material and Equipment used in Mercantile Marine.

" 34. Aërial Navigation.

GROUP VIII.—Agriculture and Viticulture.

Class 35. Farm Equipment and the Methods of Improving lands.

" 36. Agricultural Implements and Farm Machinery.

" 37. Fertilisers.

" 38. Appliances and Processes used in Agricultural Industries.

" 39. Agronomy (Theory of Agriculture) Agricultural Statistics.

" 40. Agricultural Food Products—(1) Vegetables. (2) Animals Inedible Agricultural Products.

" 41. Useful Insects and their Products Noxious Insects and their Prevention.

" 42. Plant Diseases, Parasitic Plants.

GROUP IX.—Horticulture, Arboriculture and Forestry.

Class 43. Appliances and Processes used in Horticulture and Arboriculture.

" 44. Seeds and Plants for Gardens and Nurseries.

" 45. Fruits and Fruit Trees, Pomology, and Cider Making.

" 46. Trees, Shrubs Ornamental Plants and Flowers.

" 47. Greenhouse and Hothouse Plants.

" 48. Appliances for gathering Wild Crops and Products obtained.

" 49. Appliances and Processes used in Forestry.

" 50. Products of the Cultivation of Forests and Forest Industries.

" 51. Hunting, Shooting, Fishing, and Hunting and Shooting Equipment.

" 52. Hunting and Shooting Products.

" 53. Fishing Equipment and Products.

" 54. Pisciculture.

GROUP X.—Alimentation.

Class 55. Equipment and Methods employed in the Preparation of Foods.

" 56. Farinaceous Products and their Derivatives.

" 57. Bread and Pastry.

" 58. Preserved Meat, Fish, Vegetables, and Fruit.

" 59 Sugar and Confectionery, Condiments and Relishes.

" 60. Wines, Distilled Spirits.

" 61. Syrups and Liqueurs, Various Spirits, Commercial Alcohols.

" 62. Various Beverages, Fermented Beverages, and other Waters.

GROUP XI.—Mining and Metallurgy.

Class 63. Working of Mines and Quarries.

" 64. Metallurgy.

" 65. Ores and Minerals.

" 66. Docoration and Fixed Furniture.

" 67. Plumbing and Sanitary Appliances.

" 68. Wall Papers and Paper Hanging.

" 69. Household, Art, and Office Furniture.

" 70. Carpets, Tapestries, and Fabrics for Upholstery.

" 71. Upholstery and Upholsterers' Decoration.

" 72. Ceramic (Pottery and Porcelain).

" 73 Glass, Crystal, and Stained Glass.

" 74. Apparatus and Processes for Heating and Ventilation.

" 75. Apparatus and Methods (not electrical) for Lighting.

GROUP XIII.—Textiles.

Class 76. Appliances and Processes of Spinning and Rope Making.

" 77. Plant and Processes used in the Manufacture of Textile Fabrics.

" 78. Plant and Processes used in Bleaching, Dyeing, Printing, and Finishing Textile Materials their Various Stages.

" 79. Appliances and Processes used in Sewing and Making Wearing Apparel.

" 80. Thread and Fabrics of Cotton.

" 81. Threads and Fabrics of Flax Hemp, &c., Cordage.

" 82. Yarns and Fabrics of Wool.

Class 83. Silk and Fabrics of Silk.

" 84. Laces, Embroideries and Trimmings.

" 85. Industries producing Wearing Apparel for Men, Women and Children.

" 86 Various Industries connected with Clothing.

GROUP XIV.—Chemical Industries.

Class 87. Applied Chemistry and Pharmacy.

" 88. Manufacture of Paper.

" 89. Leather and Skins.

" 90. Perfumery.

" 91. Manufacture of Tobacco and Matches.

GROUP XV.—Various Industries.

Class 92. Stationery.

" 93. Cutlery.

" 94. Goldsmith and Silversmith's Ware.

" 95. Jewellery, Precious Stones.

" 96. Clock and Watchmaking.

" 97. Artistic Productions in Bronze Marble, Cast and other Ironwork, Embossed Metals.

" 98. Art Leather-work, Basket-work, Brushes, and Fancy Articles.

" 99. India-rubber and Gutta-percha Industries, Travelling and Camping Requisites.

" 100. Toys and Nicknacks.

Decoration and Furnishing.

GROUP XVI.—Social Economy, Sanitation, Public Relief.

Class 101. Study and Investigation of Social and Economic Conditions.

" 102. Economic Resources and Organization.

" 103. State Regulation of Industry and Labour.

" 104. Organisation of Industrial Workers.

" 105. Methods of Industrial Remuneration, Profit Sharing.

" 106. Provident Institutions.

" 107. Co-operative Production and Distribution.

" 108. Housing of the working Classes (Urban and Rural).

" 109. Hygiene and Sanitation.

GROUP XVI.—Social Economy, etc.—(*concluded.*)

Class 110. Public Relief.

„ 111. Charity Organisation.

„ 112. Movements due to Municipal or Private Initiative for the Social and Economic Betterment of Urban Life.

GROUP XVII.—**Woman's Work.**

Class 113 Domestic and Industrial Training.

„ 114. Arts and Crafts.

„ 115. Social and Philanthropic Institutions.

GROUP XVIII.—**Trade Colonization.**

Class 116. Commerce, Trade and Banking.

„ 117. Methods of Colonisation.

„ 118. Colonial Buildings and Appliances.

„ 119. Special Products suitable for Colonial Export.

GROUP XIX.—**Land and Sea Forces.**

Class 120. Ordnance and Artillery Equipment.

„ 121. Military Engineering and Accessory Services.

„ 122. Naval Construction, Hydraulics, Torpedoes.

„ 123. Cartography, Hydrography, Various Instruments.

„ 124. Administrative Departments.

„ 125. Hygiene and Sanitary Appliances.

GROUP XX.—**Sports and Physical Culture.**

Class 126. The Training and Physical Development of Children and Adults.

„ 127. Games and Sports for Children and Adults.

„ 128. Equipment for Games and Sports.

GROUP XXI.—**Congresses and Conferences.**

ORDERED that the foregoing papers be published in the Supplement to the *Gazette of India*, for general information, and that copies be forwarded to the Local Governments and Administrations named in the margin, for information, with the request that the papers may be published in the local *Gazette*.

The Secretary to the Government of Madras.
„ „ „ „ „ Bombay.
„ „ „ „ „ Bengal.
„ „ „ „ „ the United Provinces.
„ „ „ „ „ the Punjab.
„ „ „ „ „ Burma.
„ „ „ „ „ Eastern Bengal and Assam.
The Hon'ble the Chief Commissioner, Central Provinces.
The Hon'ble the Resident at Mysore and Chief Commissioner of Coorg.

Ordered, also, that a copy be forwarded to the Chief Commissioner of Ajmer-Merwara, and the Honourable the Agent to the Governor-General and Chief Commissioner, North-West Frontier Province, for information, and to the Foreign Department, for information and communication to Native States.

Ordered, also, that a copy be forwarded to all Chambers of Commerce, for information.

B. ROBERTSON,

Offg Secretary to the Government of India.

Punjab Government Press, Lahore—2-5-07—790.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, MAY 9, 1907.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED MAY 4, 1907.

MILITARY SECRETARY'S OFFICE.

NOTIFICATION.

Simla, the 1st May, 1907.

No. 993-*M*.—Notice is hereby given that HIS EXCELLENCY THE VICEROY AND GOVERNOR-GENERAL will hold a Levée at Viceregal Lodge, Simla, at 9-45 P. M. on Friday, the 24th May 1907.

All Civil and Military Officers and the Native Officers of the Infantry Guard are invited to attend.

The following regulations are to be observed :

I.—Gentlemen who propose to attend His Excellency's Levée are requested to bring with them two large cards with their names *clearly written* thereon—one to be left with the Aide-de-Camp in waiting in the corridor, and the other to be delivered to the Military Secretary, who will announce the name to His Excellency.

II.—Gentlemen who have not already been presented at the Court of St. James, or at the Viceregal Court, should send in their names and addresses through the gentlemen who propose to present them to the Military Secretary's Office not later than Saturday, the 18th May 1907, in order that the names may be submitted to His Excellency, when, if they are approved, presentation cards will be forwarded.

III.—Gentlemen presenting others must themselves attend the Levée.

IV.—Full Dress will be worn by officers entitled to wear uniform. Civilians—Levée Dress. Gentlemen not entitled to wear uniform will appear in Evening Dress. For further particulars as regards dress, attention is drawn to this Office Notification No. 904-M., dated the 8th September 1899.

By Command,

G. FEILDING, *Major,*

Offg. Military Secretary to the Viceroy.

HOME DEPARTMENT.

NOTIFICATIONS.

MUNICIPALITIES.

Simla, the 2nd May, 1907.

No. 77.—In exercise of the powers conferred by section 3, clause (*a*), of the Municipal Taxation Act, 1881 (XI of 1881) and in supersession of the Home Department notifications mentioned on the margin, the Governor-General in Council is pleased to prohibit the levy by any municipal committee of any tax payable in respect of a bicycle or tricycle by a warrant or non-commissioned officer or soldier who is compelled by the exigencies of military duty to reside within the limits of a municipality.

No. 17, dated the 23rd January 1902.
No. 65, dated the 3rd March 1904.

SANITARY.

The 30th April, 1907.

No. 652.—Captain H. M. Mackenzie, M.B., I.M.S., is appointed to be Health Officer of Simla, with effect from the date on which he assumes charge of his duties.

JUDICIAL.

The 2nd May, 1907.

No. 578.—In exercise of the power conferred by section 4 of the Punjab Courts Act, 1884 (XVIII of 1884), the Governor-General in Council is pleased to make the following appointments in the Chief Court, Punjab, with effect from the 6th May 1907 and up to the 12th August 1907, inclusive :

The Hon'ble Mr. D. C. Johnstone, I.C.S., first temporary Additional Judge of the Chief Court, Punjab, to officiate as a Judge of that Court, *vice* the Hon'ble Mr. A. Kensington, I.C.S., granted leave.

The Hon'ble Mr. H. A. B. Rattigan, Barrister-at-Law, second temporary Additional Judge of the Chief Court, to officiate as first temporary Additional Judge.

The Hon'ble Mr. Lal Chand, Rai Bahadur, third temporary Additional Judge of the Chief Court, to officiate as second temporary Additional Judge.

The Hon'ble Miyan Muhammad Shah Din, Khan Bahadur, fourth temporary Additional Judge of the Chief Court, to officiate as third temporary Additional Judge.

Mr. W. Chevis, I.C.S., Divisional Judge, to officiate as fourth temporary Additional Judge of the Chief Court.

ECCLESIASTICAL.

The 2nd May, 1907.

No. 203.—In the Home Department notifications No. 99, dated the 17th March 1897, and No. 38, dated the 30th January 1907, relating, respectively, to the appointment of the Reverend J. G. S. Syme to be a junior chaplain on the Bengal (Lahore) ecclesiastical establishment, and to his promotion to be a senior chaplain, for the words and figures "25th January" *read* "24th January."

H. H. RISLEY,

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 30th April, 1907.

No. 71.—Mr. F. E. Gwyther, Executive Engineer, 1st grade, Punjab, is appointed to officiate as a Superintending Engineer, with effect from the 28th April 1907, and until further orders.

L. M. JACOB,

Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATION.

Simla, the 3rd May, 1907.

No. 1225-*G.*—Mr. S. S. Waterfield, Assistant Commissioner, Punjab, is appointed to be a Political Assistant of the 2nd class in the Civil Cadre of the Political Department of the Government of India, with effect from the 7th December, 1905.

L. W. DANE,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATIONS.

POST OFFICE

GENERAL MATTERS.

Simla, the 1st May, 1907.

No. 3739—13.—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), the Governor-General in Council is pleased to direct that, with effect from the 1st July 1907, the following amendment shall be made in the rules published with the notification of the Government of India in the Department of Finance and Commerce, No. 1429 *c.*-S. R., dated the 30th March 1899, as subsequently amended :

For rule 6 (2) *substitute* the following :

6 (2). Subject to the following exceptions, nothing shall be affixed or attached to a postcard.

Exception 1.—To *any* postcard there may be affixed—

(*a*) on either side, an address-label bearing the name and address of the sender, and not exceeding in size 2 inches in length by ¾ of an inch in width ; provided that when the label is affixed to the address side of a postcard of private manufacture, the conditions laid down in the proviso to sub-rule 1 of this rule are fulfilled ;

(*b*) on the address side, postage stamps in prepayment of postage and the registration fee (if any), and an address-label bearing the name and address of the addressee, and not exceeding in size 2 inches in length by ¾ of an inch in width ;

(*c*) on the other side, (i) adhesive stamps used to denote the duty payable in respect of receipts ; and (ii) engravings, illustrations, drawings or photographs on very thin paper, and completely adherent to the card.

Exception 2.—To postcards *of private manufacture*, articles of the nature specified in Exception 1 (*c*) (ii) may be affixed on the address side, on the conditions laid down in the proviso to sub-rule (1) of this rule.

NOTE.—The sender of a *reply-postcard* may affix to the address side of the *reply half* an address-label bearing his name and address and not exceeding in size 2 inches in length and ¾ of an inch in width.

EMIGRATION.

The 3rd May, 1907.

No. 3807—52.—The following draft of a notification which it is proposed to issue in exercise of the powers conferred by section 80 of the Indian Emigration Act, 1883 (XXI of 1883), is published as required by section 81 of the said Act, for the information of persons likely to be affected thereby, and notice is hereby given that the draft will be taken into consideration by the Governor-General in Council on or after the 4th June 1907.

2. Any objection or suggestion which may be received from any person with respect to the draft before the date fixed aforesaid will be considered by the Governor-General in Council.

Draft Notification.

In exercise of the powers conferred by section 80 of the Indian Emigration Act, 1883 (XXI of 1883), the Governor-General in Council is pleased to direct that the following amendments shall be made in Rules 11 and 12 of the Rules published with the notification of the Government of India in the Department of Revenue and Agriculture, No. 94-E, dated the 18th March 1886, as subsequently amended, namely :

(1) In Rule 11 for the words "an Assistant District Superintendent" and the words "an Assistant Superintendent," the words "a Deputy Superintendent" shall be substituted.

(2) In Rule 12 after the word "Assistant" the words "or Deputy" shall be inserted.

B. ROBERTSON,

Offg. Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 3rd May 1907.

APPOINTMENTS.

SUPPLY AND TRANSPORT CORPS.

No. 374.—The following appointments are made in the Reserve of the Supply and Transport Crops :

To be Jemadars.

Hazura Singh of Ambala District.

Ganpat Singh of Gurgaon District.

A. H. B .NGLEY, *Lieut.-Col.*,

Offg. Secretary to the Government of India.

Punjab Government Press, Lahore—9-5-07—790.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, MAY 16, 1907.

PART II.

Republications from the "Gazette of India."

REPUBLICATION FROM THE "GAZETTE OF INDIA," EXTRAORDINARY, DATED MAY 11, 1907.

HOME DEPARTMENT.

NOTIFICATION.

Simla, the 11th May, 1907.

WHEREAS an emergency has arisen which makes it necessary to regulate the holding of meetings in the Provinces of Eastern Bengal and Assam and of the Punjab; Now, therefore, in exercise of the power conferred by section 23 of the Indian Councils Act, 1861, the Governor-General is pleased to make and promulgate the following Ordinance :—

ORDINANCE No. 1 OF 1907.

Short title and extent.

1. (1) This Ordinance may be called the Regulation of Meetings Ordinance, 1907.

(2) It extends to the Provinces of Eastern Bengal and Assam and of the Punjab, but shall only come into operation in such areas (hereinafter called "proclaimed areas") as the Lieutenant-Governor of each Province respectively may from time to time notify in the local official Gazette.

(3) Any notification made under sub-section (2) may in like manner from time to time be amended, added to or cancelled by the Lieutenant-Governor.

Notice to be given of certain meetings.

2. (1) No public meeting shall be held in any proclaimed area for the discussion of public or political matters unless written notice of the intention to hold such meeting and of the time and place of such meeting has been given to the District Superintendent of Police at least seven days previously.

(2) Any officer of Police, not below the rank of an officer in charge of a police-station, may, by order in writing, depute one or more Police-officers or other persons to attend any such meeting for the purpose of causing a report to be taken of the proceedings.

Power of Police to take report

3. The District Magistrate may at any time, by order in writing, of which public notice shall forthwith be given, prohibit any meeting in a proclaimed area if in his opinion such meeting is likely to promote sedition or disaffection or to cause a disturbance of the public tranquillity.

Power to prohibit certain meetings.

4. (1) Any person concerned in the promotion or conduct of a meeting of which due notice has not been given as required by section 2, sub-section (1), shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Penalties.

(2) Any meeting which has been prohibited under section 3 shall be deemed to be an unlawful assembly within the meaning of Chapter VIII of the Indian Penal Code and of Chapter IX of the Code of Criminal Procedure, 1898.

MINTO,

Viceroy and Governor-General.

H. H. RISLEY,

Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," DATED MAY 11, 1907.

HOME DEPARTMENT.

NOTIFICATIONS.

ESTABLISHMENTS.

Simla, the 10th May, 1907.

No. 584.—The Hon'ble Sir Charles Lewis Tupper, K.C.I.E., C.S.I., has been permitted to resign His Majesty's Indian Civil Service, with effect from the 26th April 1907.

JUDICIAL.

The 10th May, 1907.

No. 628.—The services of Mr. M. H. Harrison of the Indian Civil Service are placed temporarily at the disposal of the Legislative Department with effect from the date on which he relinquishes charge of his duties as officiating District Judge, Multan.

H. H. RISLEY,

Secretary to the Government of India.

FINANCE DEPARTMENT.

NOTIFICATION.

SEPARATE REVENUE.

OPIUM.

Simla, the 9th May, 1907.

No. 2908 *Exc.*—The Governor-General in Council is pleased to direct that in the Notification of the Government of India in the Finance and Commerce Department, No. 3693-Ex., dated the 19th June 1903, the figures and letters "140 lbs." shall be *substituted*, with effect from this date, *for* "140½ lbs."

J. S. MESTON,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATIONS.

GEOLOGY AND MINERALS.

Simla, the 10th May, 1907.

No. 3952—36—In exercise of the power conferred by section 20 of the Indian Mines Act, 1901 (VIII of 1901), the Governor-General in Council is pleased to make the following rule for application to all mines in British India in supersession of the Rule published with the Notification of the Government of India in the Departmant of Revenue and Agriculture, No. 3842—86-15, dated the 8th December 1904:

RULE.

Form of Annual Return.

The following form shall be correctly filled up in duplicate by the managing agent, or if there is no managing agent, by the owner, agent or manager of a Mine, and one copy forwarded to the Chief Inspector of Mines and the other to the District Magistrate not later than the 1st February in each year.

I.

Year ending on the 31st December 190 .

1. Name of mine.
2. Date of opening.
3. Date of closing.
4. Nature of moving power.
5. Situation of Mine. { District / Province
6. Name and postal address of { Owner / Managing Agent / Agent / Manager / Assistant or Under Manager.

II.

Average number of persons employed daily during the year ending on the 31st December 190 .

Name or No. of pit or excavation.	BELOW GROUND.				ABOVE GROUND.				Gross total below and above ground.
	Male adults.	Female adults.	Children under 12.	Total.	Male adults.	Female adults.	Children under 12.	Total.	
1	2	3	4	5	6	7	8	9	10
TOTAL ...									

III.

Output of Mineral during the year ending on the 31st December 190 .

Name or No. of pit or excavation.	Depth from the surface of the lowest point of the seam or vein worked, in feet.	Name of mineral worked.	Total amount of mineral raised.	Total value of mineral at the mine.	Number of days worked.	IN CASE OF COAL MINES.		
						No. of coke ovens.	System of coking adopted, *viz*, bee-hive, Simon-Carves, etc.	Tons of coke produced.
1	2	3	4	5	6	7	8	9
TOTAL ...								

IV.

Accidents and inspections.

NUMBER OF SEPARATE ACCIDENTS REPORTED DURING THE YEAR.			NUMBER OF PERSONS.		Number of prosecutions under the Act, with the section under which the prosecution was instituted.	Number of persons convicted under the Act, with the sections under which the convictions were obtained.	NUMBER OF INSPECTIONS.		
Fatal.	Serious.	Total.	Killed.	Seriously injured.			By District Officers.	By Mines Inspector.	Total.
1	2	3	4	5	6	7	*8	*9	*10

*It is optional to supply the information required by columns, 8, 9 and 10. They will be filled in by the Mines Department when left blank by Mine Agents or Owners.

Signature of Managing Agent, Owner, Agent, or Manager. } ______________________

______________________ 190 .

NOTES AND INSTRUCTIONS

(1) Failure to forward a correct return to the Chief Inspector of Mines not later than the 1st February in each year, will render the managing agent, owner, agent, or manager liable on conviction to a penalty which may extend to Rs 500.

(2) It will greatly facilitate the preparation of the statistics if the return is despatched as soon as possible at the close of the year.

(3) The output should be given—

(*a*) in troy ounces in the case of gold;

(*b*) in carats in the case of gem-stones;

(*c*) in cwts.,—or in cwts and lbs. where the circumstances require greater particularisation in order to give an accurate estimate of small outputs,—in the case of alum, amber, asbestos, chromite, corundum (not being gem corundum), graphite, jadestone, mica, steatite and tin ore; and

(*d*) in tons, in the case of clays, coal, coke, iron ore, limestone, magnesite, manganese-ore, other unspecified metalliferous ores, salt and slate.

(4) The total amount of mineral rasied during the year must be given, including in the case of coal mines the colliery consumption and the coal made into coke.

(5) The value of the mineral given should be based on the actual or estimated wholesale price of the mineral at the pit's mouth. In the case of coal sold into wagons at the colliery, the cost of loading should be deducted from the selling price.

(6) In the case of mica mines a "plot" is to be regarded as a "pit" for the purposes of statements Nos. II and III, and the figures to be entered in columns 4 and 5 of statement No. III relate to the quantity and value of marketable mica consigned.

(7) The average number of persons employed daily should be obtained by dividing the aggregate number of daily attendances (permanent and temporary) by the number of working days.

(8) Every person of or above the age of twelve years should be entered as an adult.

No. 3968—43.—The following draft of a notification which it is proposed to issue in exercise of the power conferred by section 20, sub-section (2), clause (*h*), of the Indian Mines Act, 1901 (VIII of 1901), is published as required by section 20, sub-sections (*3*) and (*4*), of the Act for the information of persons concerned, and notice is hereby given that the draft will be taken into consideration by the Governor-General in Council on or after the 11th day of August 1907.

2. Any objection or suggestion which may be received from any person with respect to the draft before the date fixed aforesaid, will be considered by the Governor-General in Council.

Draft Notification.

In exercise of the power conferred by section 20 of the Indian Mines Act, 1901 (VIII of 1901), the Governor-General in Council is pleased to make, in supersession of the rules published with Notifications Nos. 3352-45-32 and 3938-35, dated the 27th December, 1901, and 23rd May, 1906, respectively, the following rules for application to all mines in British India:

1.—When an accident occurs in or about a mine causing loss of life or serious* bodily injury, or when an accidental explosion occurs in a mine, the owner, agent or manager of the mine shall give notice of the accident to the Chief Inspector of Mines by despatching to the Magistrate of the district or to the Sub-divisional Magistrate, for transmission to the Chief Inspector of Mines, a notice in the form set forth below, within 24 hours of the occurrence of such accident:

*NOTE.—An injury is said to be serious which involves or will in all probability involve the loss of, or permanent injury to any limb, or to the sight or hearing, or fracture of any limb, or enforced absence from work for 20 days, or which is declared by any medical officer to be serious.—(Circular No. 42 70-6, dated 4th September 1902 of the Government of India in the Department of Revenue and Agriculture.)

No.

NOTICE OF ACCIDENT.

Indian Mines Act, 1901.

From—

To—The Chief Inspector of Mines, through the District / Sub-divisional Magistrate of

Dated *190* .

SIR,

I have the honour to furnish the following particulars of a fatal / serious accident / an accidental explosion which has occurred at the Mine :

Situation of the Mine. 1. (Village, Station, District, Province)	
2. Mineral worked	
3. Name and postal address of owner ...	

4\. Name and sex of persons.

Killed.	Injured.	Age.	Occupation.

5. Date and hour of accident ...	
6. Place of accident	
7. Cause and description of accident ...	
8. Classification of accident (*see* rule 2)	
9. Nature of injury, and if fatal, cause of death.	

I have the honour to be,

SIR,

Your most obedient servant,

Owner,
Agent,
Manager.

2. For the purposes of entry No. 8 in the form of notice prescribed by rule 1, one or other of the following terms shall be used, namely :

(1) Explosions of fire damp; (2) falls of roof; (3) falls of side; (4) in shafts (overwinding); (5) in shafts (ropes and chains breaking); (6) in shafts (whilst ascending or descending by machinery); (7) in shafts (falling into the shaft from the surface); (8) in shafts (falling from part of the way down); (9) in shafts (things falling from the surface); (10) in shafts (things falling from part of the way down); (11) in shafts (miscellaneous); (12) suffocation by gases; (13) by explosives; (14) irruptions of water or falling into water; (15) haulage; (16) by underground machinery; (17) sundries underground; (18) by surface machinery; (19) surface boilers or pipes bursting; (20) on surface railways or tramways belonging to the mine; (21) miscellaneous on surface.

3. When any person dies from the result of an injury already reported as serious under rule 1, the owner, agent or manager of the mine shall send notice within 24 hours of his being informed of the death, to the Chief Inspector of Mines, through the Magistrate of the district or the Sub-divisional Magistrate.

4. When a mine, seam or vein has been abandoned for more than one month, or the working thereof discontinued for more than two months, the owner of the mine, seam or vein shall, within seven days after the expiry of such period, send notice to the Chief Inspector of Mines specifying the name and situation of the mine, the name of the owner, and the date and cause of abandonment or discontinuance.

5. When a mine, seam or vein is re-opened after abandonment or discontinuance the owner shall send notice to the Chief Inspector of Mines within one month after the date of re-opening.

6. When a change occurs in the name of a mine, or of an owner or agent of a mine, notice of the change shall be sent by the owner, agent or manager, to the Chief Inspector of Mines within one month after such change.

B. ROBERTSON,

Offg. Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 10th May, 1907.

JUDICIAL.

No. 408.—The following draft of a notification, which it is proposed to issue in exercise of the powers conferred by section 26 of the Cantonments Act, 1889 (XIII of 1889), is published, as required by section 27, sub-section (1), of the said Act, for the information of persons likely to be affected thereby, and notice is given that the draft will be taken into consideration by the Governor-General in Council on or after the 11th June 1907.

Any objection or suggestion which may be received from any persons with respect to the draft before the date fixed aforesaid will be considered by the Governor-General in Council.

Draft Notification.

In exercise of the powers conferred by section 26 of the Cantonments Act, 1889 (XIII of 1889), the Governor-General in Council is pleased to direct that, for section 57 of the Cantonment Code, 1899, the following shall be *substituted*, namely—

Abstract Statements of Estimated and Actual Income and Expenditure.

57. The Officer Commanding the Division shall forward to the Government of India in the Army Department, through the Quartermaster-General in India, and to the Local Government—

(a) on receiving the sanction of the Local Government to the Budget estimate for the several cantonment funds in his Division, an abstract statement of the estimated income and expenditure from all such funds ; and

(b) as soon as possible after the close of each financial year, a statement showing, under the several heads and sub-heads of receipt and expenditure set forth in form 8, schedule 1, the actual income and expenditure of each of the contonment funds in his Division for the preceding financial year, together with a certificate showing that the closing cash balance of each fund as shown in the annual account prescribed by section 52 has been compared with the balance as shown in the treasury pass book and found to be correct.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

Punjab Light Horse.

No. 416.—Second-Lieutenant Alexander Langley resigns his commission. Dated 1st April 1907.

Simla Volunteer Rifles.

No. 421.—Captain James Lennox resigns his commission. Dated 1st April 1907.

A. H. BINGLEY, *Lieut.-Col.*,
Offg. Secretary to the Government of India.

Punjab Government Press, Lahore—16-5-07—790.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, MAY 23, 1907.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED MAY 18, 1907.

HOME DEPARTMENT.

NOTIFICATIONS.

MEDICAL.

Simla, the 17th May, 1907.

No. 424.—The services of Captain S. H. L. Abbott, I.M.S., are placed temporarily at the disposal of the Government of the Punjab for employment on plague duty.

ECCLESIASTICAL.

The 13th May, 1907.

No. 211.—The following addition is made to rule XXIX, part IV, of the ecclesiastical rules published with the Home Department notification No. 178, dated the 21st May 1897:

Where no such fund exists the cost of maintaining the clocks will be borne by Government.

H. H. RISLEY,

Secretary to the Government of India.

DEPARTMENT OF REVENUE AND AGRICULTURE.

NOTIFICATION.

FORESTS.

Simla, the 14th May, 1907.

No. 649—180-3-*F.*—Mr. E. G. Chester, Conservator of Forests, 1st grade, Punjab, is granted privilege leave for three months combined with furlough for three months and five days, with effect from the 12th March 1907. From the same date the following changes are made:

(*i*) Mr. C. P. Fisher, Conservator of Forests, 3rd grade, on return from leave, is appointed to officiate as Conservator, 2nd grade, in charge of the Punjab Forest Circle.

(*ii*) Mr. H. Jackson, Conservator of Forests, 3rd (officiating 2nd) grade, United Provinces, to revert to the former grade.

J. WILSON,

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 11th May, 1907.

No. 77.—Mr. J. G. Davis, Superintending Engineer, 2nd class, temporary rank, Punjab, reverted to Executive Engineer, 1st grade, with effect from the 25th April 1907. He is appointed to officiate as a Superintending Engineer, with effect from the same date.

No. 78.—The services of Rai Sahib Tej Ram, Assistant Engineer, 3rd grade, whose services were lent to the Kashmir State, are replaced at the disposal of the Government of the Punjab.

L. M. JACOB,

Secretary to the Government of India.

FINANCE DEPARTMENT.

NOTIFICATION,

Simla, the 16th May, 1907.

No 2938-*P.*

RESOLUTION—By the Government of India, Finance Department.

READ—

RESOLUTION—By the Government of India in the Finance Department, No. 2937-P., dated 30th May 1906.

It has been brought to the notice of the Government of India that the orders in the Resolution cited in the preamble relating to the conditions under which an officer on leave may accept employment outside Government service, have been read as conflicting with the rule in Article 757-A. of the Civil Service Regulations. The Governor General in Council accordingly issues the following revised orders on the subject.

2. In the first place the Government of India desire to repeat that inasmuch as leave is intended as a period of recreation and rest and is granted to an officer for the purpose of recruiting his health, it follows that taking up employment during leave is not permissible, save in exceptional circumstances and with special sanction. It has accordingly been ruled that a Gazetted Officer who is in receipt of furlough or leave allowances may not, without the special orders of the Government of India, take service under another employer in this country, and no such officer whose services have been lent to any other employer in India can take leave or obtain leave allowances from Government or from the employer to whom his services have been lent, unless he actually quits his employment for the period of such leave. In the case, however, of a non-Gazetted Officer the special permission of his departmental superior may be accepted as sufficient authority.

3. The above orders referred to the acceptance of employment of a private or casual nature and do not apply to the acceptance by officers, while on leave, of employment of the kind for which the Foreign Service rules in Part VII of the Civil Service Regulations provide. An officer who, during leave, takes up an appointment which is such as should for public reasons and not merely in his own interests be filled by a servant of Government, must be transferred thereto in the regular way by the authority empowered to authorise his transfer under the rules regulating transfers to Foreign Service. From the date on which he takes up the appointment he ceases to be on leave and is no longer entitled to draw leave allowances from Government, and becomes an officer in active service drawing from his employer pay fixed in accordance with rule.

Ordered, also, that this Resolution be published in the *Gazette of India.*

J. S. MESTON,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATIONS.

POST OFFICE.

Simla, the 16th May, 1907.

No. 4040—148.—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), the Governor General in Council is pleased to direct that, with effect from the 1st July 1907, the following amendments shall be made in the rules published in the Notification of the Government of India in the Department of Finance and Commerce, No. 1429 C.—S. R., dated the 30th March 1890, as amended by the Notifications of the Government of India in the Department of Commerce and Industry, Nos. 595*c* and 990—92, dated the 15th March 1905 and 6th February 1906, respectively.

For rule 140 *substitute the following:*

140. The postage on a postal article shall not be deemed to be prepaid by means of a proper stamp—

(*a*) if the stamp is a stamp which has not been provided for use as a postage stamp under section 16 of the Act; or

(*b*) if the stamp has been obliterated, defaced, torn, cut or otherwise rendered imperfect; or

(*c*) if the stamp has upon it any word, letter, figure or design printed or impressed upon it, otherwise than by the authority of the Government before posting; or

(*d*) if the stamp has been cut or otherwise separated from an embossed envelope, or from a post-card or wrapper;

Provided that nothing in this rule shall prevent the perforation of postage stamps with initials, or other identifying marks, traced in minute holes.

NOTE.—The special registration envelopes provided by the Post Office, bearing embossed stamps denoting the registration fee, cannot be used for the transmission of unregistered postal articles.

TELEGRAPHS.

The 16th May, 1907.

No. 4155—105.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Governor General in Council is pleased to direct that the following amendments shall be made in the rules published with the Notification of the Government of India in the Public Works Department, No. 298-Telegraphs, dated the 22nd September 1904, namely:

1. In Rule 135 for the words "four months" the words "three months (except in the case of offices situated on the Frontier beyond Kashmir and on the extreme limits of Burma the message drafts of which are preserved for four months)" shall be substituted.

2. In Rule 140 for the word "four" the word "three" shall be substituted.

CUSTOMS.

The 16th May, 1907.

No. 4133—37.—In exercise of the powers conferred by section 22 of the Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to direct that, for the corresponding items of entry No. 11 in the Notification of the Government of

India in this Department, No. 10123-30, dated the 22nd December 1906, the following shall be substituted with effect from the 21st May 1907, namely:

No.	Names of articles.	Per	Tariff valuation.	Duty.
11	* * * * * * *		Rs. A.	
	Camphor, refined, cake	lb.	3 12	Five per cent.
	" partially refined, cake, in blocks of about 13 lb.	"	2 12	" "
	" crude, in powder	"	2 4	" "

B. ROBERTSON,

Offg. Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 17th May, 1907.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

Punjab Light Horse.

No. 441.—Sir Charles Montgomery Rivaz, K.C.S.I., resigns his appointment as honorary Colonel. Dated 5th March 1907.

The Hon'ble Sir Denzil Charles Jelf Ibbetson, K.C.S.I., Lieutenant-Governor of the Punjab, to be honorary Colonel, *vice* Sir Charles Montgomery Rivaz resigned. Dated 6th March 1907.

North-Western Railway Volunteer Rifles.

No. 447.—Sir Charles Montgomery Rivaz, K.C.S.I., resigns his appointment as honorary Colonel. Dated 5th March 1907.

The Hon'ble Sir Denzil Charles Jelf Ibbetson, K.C.S.I., Lieutenant-Governor of the Punjab, to be honorary Colonel, *vice* Sir Charles Montgomery Rivaz resigned. Dated 6th March 1907.

A. H. BINGLEY, *Lieut.-Col.,*

Offg. Secretary to the Government of India.

Punjab Government Press, Lahore—23-5-07—790.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, MAY 30, 1907.

PART II.

Republications from the "Gazette of India.

FROM THE "GAZETTE OF INDIA," DATED MAY 25, 1907.

HOME DEPARTMENT.

NOTIFICATION.

ESTABLISHMENTS.

Simla, the 22nd May, 1907.

No. 649.—A temporary vacancy having occurred in the office of Lieutenant-Governor of the Punjab and its Dependencies consequent on the grant of leave for three months to the Honourable Sir Denzil Charles Jelf Ibbetson, K.C.S.I., the Governor General of India is pleased, under the authority vested in him by the 29th Section of the Act 21 and 22 Vict., Cap. 106, and subject to the approbation of His Majesty, to appoint the Honourable Mr. Thomas Gordon Walker, C.S.I., Financial Commissioner, Punjab, to officiate as Lieutenant-Governor of the Punjab and its Dependencies during the absence of Sir Denzil Ibbetson on the said leave.

The Honourable Mr. Walker has this day assumed charge of the office of Lieutenant-Governor of the Punjab and its Dependencies.

H. H. RISLEY,

Secretary to the Government of India.

Punjab Government Press, Lahore—30-5-07—790.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, JUNE 6, 1907.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED JUNE 1, 1907.

HOME DEPARTMENT.

NOTIFICATIONS.

ECCLESIASTICAL.

Simla, the 31st May, 1907.

No. 241—The Reverend W. W. Castle, a chaplain on probation, is appointed to be a junior chaplain on the Bengal (Lahore) ecclessiastical establishment, with effect from the 29th March 1907.

No. 243.—The Reverend Rudolph Simon Bennertz has been appointed a chaplain on probation on the Bengal (Lahore) ecclesiastical establishment to fill an existing vacancy.

H. H. RISLEY,

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 27th May, 1907.

No. 85.—Mr. W. D. Stavert, Assistant Engineer, 3rd grade, Punjab, is at his own request permitted to resign the service of Government, with effect from the 12th April 1907.

L. M. JACOB,

Secretary to the Government of India.

FINANCE DEPARTMENT.

NOTIFICATION.

ACCOUNTS, ETC.

MINT.

Simla, the 28th May, 1907.

No 3342-*A*.—The following statements showing the position of the Gold Standard Reserve are published for general information:

I.—Statement of Receipts, Charges and Balance of the Reserve for the quarter ending on the 31st March 1907:

	Dr. £		*Cr.* £
Opening balance	16,023,456		
Net profit on Coinage	711,042		
Interest on investments (including discount on Treasury Bills) ...	85,320		
Interest on temporary loan to the Government of India	21,725	Closing balance	16,841,543
Total ...	16,841,543	Total ...	16,841,543

II.—Statement showing the form in which the balance of the Reserve was held on the 31st March 1907:

		£
1.	As a book credit	301,305*
2.	Gold in India	21,725
3.	Rupees in India equivalent to	4,000,000
4.	British Government 2½ per cent. Consolidated stock, 2¾ per cent. National War Loan Stock, 3 per cent. Local Loans Stock, 3 per cent. Transvaal Government Guaranteed Stock, 2¾ per cent. Irish Land Guaranteed Stock of the nominal values of £7,003,132, £1,377,121, £500,000, £1,494,324, £538,720 respectively and Treasury Bills for £1,500,000	12,518,513
	Total ...	16,841,543

*This amount has since been paid to the Reserve in gold.

J. S. MESTON,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATIONS.

EMIGRATIOM.

Simla, the 30th May, 1907.

No. 4588—62.—The following draft of a Notification which it is proposed to issue in exercise of the powers conferred by section 80 of the Indian Emigration Act, 1883 (XXI of 1883), is published, as required by section 81 of the said Act, for the information of persons likely to be affected thereby, and notice is hereby given that the draft will be taken into consideration by the Governor-General in Council on or after the 1st July 1907.

2. Any objection or suggestion which may be received from any person with respect to the draft before the date fixed aforesaid will be considered by the Governor General in Council.

DRAFT NOTIFICATION.

In exercise of the power conferred by section 80 of the Indian Emigration Act 1883 (XXI of 1883), the Governor General in Council is pleased to direct that in Schedule G, Scale No. 3 (B), of MISCELLANEOUS MEDICAL STORES. *showing instruments and appliances for Hospital and Dispensary to be supplied for every Emigrant Vessel,* of the Rules, as published with the Notification of the Government of India in the Department of Revenue and Agriculture, No 94-E., dated the 18th March 1886, and subsequently amended, the following amendment shall be made:

In the last column of the entry relating to "Microscope" after the word "Demerara" the words "Trinidad, Fiji and Jamaica" shall be added.

TELEGRAPHS.

The 30th March 1907.

No. 4493—89.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Governor General in Council is pleased to direct that the following rules shall with effect from the 1st July 1907, be substituted for the rules bearing the same numbers published with the Notification of the Government of India in the Public Works Department, No. 298-Telegraphs, dated the 22nd September 1904, namely:

Rule 91.—Directions about delivery.—For the registration of standing instructions regarding the delivery of telegrams during fixed hours, the same fee as for the registration of an abbreviated address is levied (*vide* Rule 31). If the fee for a registered abbreviated address has already been paid, that fee will cover the registration of special delivery instructions. In the case of Government officials, no charge is usually made for the registration of abbreviated addresses, but they will be required to pay the prescribed fee for the registration of standing instructions regarding the delivery of telegrams during fixed hours.

Rule 267.—Directions about delivery.—For the registration of standing instructions regarding the delivery of telegrams during fixed hours, the same fee as for the registration of an abbreviated address is levied (*vide* Rule 31). If the fee for a registered abbreviated address has already been paid, that fee will cover the registration of special delivery instructions. In the case of Government officials, no charge is usually made for the registration of abbreviated addresses, but they will be required to pay the prescribed fee for the registration of standing instructions regarding the delivery of telegrams during fixed hours.

POST OFFICE.

No. 4519—4554-47.

The 29th May, 1907.

RESOLUTION—By the Government of India, Department of Commerce and Industry.

In view of the satisfactory financial position of the Postal Life Insurance Funds, the Government of India have decided that, with effect from the 1st April 1907, the sums eventually payable in respect of existing policies in the Life Branch of the Fund shall be increased by ten *per cent.* Similarly, the premia payable in respect of sums assured on and after that date will be correspondingly reduced. The new premia rates giving effect to this decision are contained in the annexed table.

TABLE I.

LIFE INSURANCE.

The payment of Rupees Fifty (50) *at death can be secured by monthly subscriptions for a stated number of years, the amounts of which depend on the age of the subscriber as shown below :—*

1	2		3
Age.	BY PAYMENT OF A MONTHLY SUBSCRIPTION, COMMENCING AT THE AGE ENTERED IN COLUMN 1, AND CEASING AT THE AGE OF 50	55	By payment of a monthly subscription, commencing at the age entered in column 1, and continuing for remainder of life.
	Rs. A. P.	Rs. A. P.	Rs. A. P.
18	0 1 4	0 1 3	0 1 2
19	0 1 4	0 1 3	0 1 2
20	0 1 5	0 1 3	0 1 3
21	0 1 5	0 1 4	0 1 3
22	0 1 6	0 1 4	0 1 3
23	0 1 7	0 1 5	0 1 4
24	0 1 8	0 1 6	0 1 5
25	0 1 9	0 1 7	0 1 5
26	0 1 9	0 1 8	0 1 6
27	0 1 11	0 1 8	0 1 7
28	0 2 0	0 1 10	0 1 7
29	0 2 1	0 1 11	0 1 8
30	0 2 3	0 2 0	0 1 9
31	0 2 4	0 2 1	0 1 10
32	0 2 6	0 2 9	0 1 11
33	0 2 8	0 2 4	0 1 11
34	0 2 10	0 2 5	0 2 0
35	0 3 0	0 2 6	0 2 1
36	0 3 2	0 2 8	0 2 2
37	0 3 5	0 2 10	0 2 3
38	0 3 8	0 2 11	0 2 4
39	0 4 0	0 3 2	0 2 5
40	0 4 5	0 3 5	0 2 6
41	0 4 10	0 3 8	0 2 8
42	0 5 5	0 3 10	0 2 9
43	0 6 2	0 4 2	0 2 10
44	0 7 1	0 4 7	0 3 0
45	0 8 6	0 5 0	0 3 1
46	...	...	0 3 3
47	...	...	0 3 4
48	...	...	0 3 6
49	...	...	0 3 7
50	...	...	0 3 9

Ordered that this Resolution be communicated to the several departments of the Government of India, to all Local Governments and Administrations, to all Heads of Departments subordinate to this Department,* and to the Examiner of Telegraph Accounts.

*(Except the Director-General of the Post Office of India)

Ordered, also, that a copy be forwarded to the Director-General of the Post Office of India, for further necessary action, with reference to his letter No. 65-L. S., dated 4th February 1907.

Ordered, further that the Resolution be published in the *Gazette of India* for general information.

POST OFFICE—VALUE PAYABLE POST.

The 31st May 1907.

No. 4683—261.—In exercise of the powers conferred by the Indian Post Office Act 1898 (VI of 1898), the Governor-General is pleased to direct that the following shall be substituted for rules 63, 64 and 66 of the rules published with the notification of the

Government of India in the Finance and Commerce Department, No. 1429-C., S. R., dated the 30th March 1899, as subsequently amended :—

63. Registered and unregistered parcels, registered letters, registered book packets, newspapers prepaid at newspaper rates of postage, and fully prepaid unregistered book packets, may be transmitted by the inland post as value-payable postal articles : provided that the amount specified for remittance to the sender in the case of any such postal article shall not exceed Rs. 1,000 and shall not contain a fraction of an anna, except in the case of postal articles sent by, or addressed to, any department of the Government or a district, local, or municipal board, and provided that such parcels, letters, and packets do not contain coupons, tickets, certificates or introductions designed for the sale of goods on what is known as the "snowball system."

Explanation.—The words "any department of the Government" include any official department of the Government of a Native State, the posts of which have been amalgamated with the Imperial Post.

64. Postal articles as aforesaid, with the exceptions noted below, may be transmitted by post to Ceylon, Portuguese India and the Somaliland Protectorate as value-payable postal articles, provided that the amount specified for remittance to the sender in respect of any such postal article shall not exceed Rs. 600, and shall not contain a fraction of an anna ; and provided that such parcels, letters and packets do not contain coupons, tickets, certificates or introductions designed for the sale of goods on what is known as the "snowball system."

Exceptions ;—

Ceylon.—Unregistered parcels.

Portuguese India and the Somaliland Protectorate.—Unregistered parcels, unregistered book packets, and newspapers prepaid at the newspaper rates of postage.

65. No such postal article as aforesaid shall be accepted at any post office for transmission by post as a value-payable postal article unless the sender declares that it is sent in execution of a *bonâ fide* order received by him. At any post office notified from time to time in this behalf by the Director-General of the Post Office, the sender shall, in addition, be required to declare that the article is one the transmission of which by post as a value-payable postal article is permitted. No postal article as aforesaid shall be accepted at these offices without such further declaration.

Explanation.—An article may be sent by the value-payable post even though it possesses no intrinsic value. Thus, legal documents, bonds, policies of insurance, promissory notes, railway goods and parcels, receipts, bills of lading, and ordinary bills for collection may be sent as value-payable postal articles. In the case of a railway receipt or bill of lading sent as a value-payable postal article, it will be sufficient for the purposes of this rule if the article, to which the railway receipt or bill of lading relates, has been sent in execution of a *bonâ fide* order. In the case of the other documents specified, the document must be sent in execution of a *bonâ fide* order to send the document itself.

66. Every postal article intended to be transmitted by post as a value-payable postal article shall be presented at the post office with a printed form, prescribed by the Director-General and obtainable at the post office, in which the sender shall specify the sum to be remitted to himself, fill in the required entries, and sign the declaration required by rule 64. If the article is an unregistered parcel, unregistered book packet or newspaper prepaid at newspaper rates of postage, a fee calculated according to the schedule below on the amount specified for remittance to the sender shall be prepaid by the sender by affixing postage stamps of the value of the fee to the form presented with the article in the space provided for this purpose. The sender of a postal article intended to be transmitted by post as value-payable shall write his name and address clearly on the article itself.

Schedule of fees.

Amount specified for remittance to sender.	Not exceeding Rs. 5	1 anna
	Exceeding Rs. 5, but not exceeding Rs. 10	2 annas
	" Rs. 10 " Rs. 15	3 "
	" Rs. 15 " Rs. 25	4 "
	" Rs. 25	4 " for each complete sum of Rs. 25 and 4 annas for the remainder, provided that, if the remainder does not exceed Rs. 5, the charge for it shall be only 1 annas ; if it does not exceed Rs. 10, the charge for it shall be only 2 annas ; and if it does not exceed Rs. 15, the charge for it shall be only 3 annas.

EXPLOSIVES.

NO. 4555—4.

The 31st May, 1907.

RULES TO REGULATE THE TRANSPORT AND IMPORTATION OF EXPLOSIVES.

Preamble.

In supersession of the Notification of the Government of India in the Home Department, No. 5528 (Public), dated the 11th October 1901, and of all amending notifications, and in exercise of the powers conferred by sections 5 and 7 of the Indian Explosives Act, 1884 (IV of 1884), the Governor General in Council is pleased to make the following rules to regulate the transport and importation of explosives.

Extent of application.

These rules extend to the whole of British India, but the rules relating to the transport of explosives shall cease to apply to any port as defined in the Indian Ports Act, 1889 (X 1889), for which special rules made by the Local Government are for the time being in force, in so far as they are expressly superseded by, or are inconsistent with, such special rules.

General exemptions.

Nothing in these rules shall apply to the packing, transport or importation of capped safety cartridge cases, if otherwise empty, when packed, transported or imported in the same consignment with arms covered by a license granted under the Indian Arms Act 18 8 (XI of 1878).*

PRELIMINARY.

Classification of explosives.

1. (1) For the purposes of these rules, explosives shall be classified as follows, namely :—

Class 1 ...	Gunpowder
„ 2 ...	Nitrate-mixture.
„ 3 ...	Nitro-compound.
„ 4 ...	Chlorate mixture.
„ 5 ...	Fulminate.
„ 6 ...	Ammunition.
„ 7 ...	Firework.

(2) When any explosive falls within more than one of the said classes, it shall be deemed to belong exclusively to the latest of such classes.

Definition of "gunpowder" (class 1).

2. The expression "gunpowder," as used in these rules, means exclusively gunpowder ordinarily so called.

Definition of "nitrate mixture" (class 2).

3. The expression "nitrate-mixture," as used in these rules, means any preparation other than gunpowder, which is formed by the mechanical mixture of nitrate with any form of carbon or with any carbonaceous substance not possessed of explosive properties, whether sulphur be or be not added to such preparation, and whether such preparation be or be not mechanically mixed with any other non-explosive substance.

Nitrate-mixture includes, among other explosives.—

Chilworth special powder, Fortis explosive, Ripp-Lene, Safety blasting powder, and Westfallite.

Definition and sub-division of "nitro-compound" (class 3).

4. (1) The expression "nitro-compound" as used in these rules, means any chemical compound which is possessed of explosive properties or is capable of combining with metals to form an sxplosive compound, and is produced by the chemical action of nitric acid (whether mixed or not with sulphuric acid), or of a nitrate mixed with sulphuric acid upon any carbonaceous substance, whether such compound is mechanically mixed with other substances or not

* Further exemptions are made by section 14 of the Indian Explosives Act, 1884, which runs as follows:—

Saving for manufacture, possession, use, sale, transport or importation by Government.

"Nothing in this Act shall apply to the manufacture, possession, use, sale, transport or importation of any explosive—

(a) by order of the Government, or

XX of 1869.

(b) by any person employed under the Government in the execution of this Act, or as a keeper of a magazine, artizan, soldier, sailor, policeman or otherwise, or enrolled as a volunteer, under the Indian Volunteers Act, 1869, in the course of his employment or duty as such."

(2) Nitro-compound shall, for the purposes of these rules, be sub-divided as follows, namely :

(a) Division 1, comprising—

(i) such explosives as—

Amberite No 1,
Ballistite,
Blasting gelatine,
Carbonite,
Cordite,
Dynamite,
Gelatine dynamite,
Gelignite,
Lithofracteur,
Nitro-glycerine, and

Stonite, and

(ii) any chemical compound or mechanically mixed preparation which consists either wholly or partly, of nitro-glycerine or some other liquid nitro-compound ; and

(b) Division 2, comprising—

(i) such explosives as—

Amberite No. 2,
Ammonite,
Bellite,
Coopal's powder,
Cotton gunpowder,
E. C. powder,
Gun-cotton ordinarily so-called,
Nitrated-gun-cotton,
Picrates,
Picric powder,
Roburite,
Sawdust and gun-cotton powder,
Schultz's powder, and
Tonite (or cotton powder), and

(ii) any nitro-compound, as hereinbefore defined, which is not comprised in Division 1.

Definition and sub-division of "chlorate mixture" (class 4).

5. (1) The expression "chlorate-mixture," as used in these rules, means any explosive containing a chlorate.

(2) Chlorate-mixture shall, for the purposes of these rules, be sub-divided as follows, namely:

(a) Division 1, comprising—

(i) such explosives as—

Horsley's blasting powder, and

Brain's blasting powder, and

(ii) any chlorate preparpartion which consists partly of nitro-glycerine or of some other liquid nitro-compound, and

(b) Division 2, comprising—

(i) such explosives as—

Horsley's original blasting powder,
Erhardt's powder,
Reveley's powder,
Hochstadter's blasting charges,
Reichen's blasting charges.
Teutonite, and

Chlorated gun-cotton, and

(*ii*) any chlorate-mixture, as herein before defined, which is not comprised in Division 1.

Definition and sub-division of "fulminate" (class 5).

6. (*1*) The expression "fulminate," as used in these rules, means any chemical compound or mechanical mixture, whether included in any of the foregoing definitions or not, which, from its great susceptibility to detonation, is suitable for employment in percussion-caps or any other appliance for developing detonation, or which, from its extreme sensibility to explosion and from its great instability (that is to say, readiness to dergo decomposition from very slight exciting causes), is especially dangerous.

(*2*) Fulminate shall, for the purposes of these rules, be sub-divided as follows, namely:

(*a*) Division 1, comprising such compounds as the fulminates of silver and of mercury, and preparations of those substances, such as are used in percussion-caps, and any preparation consisting of a mixture of a chlorate with phosphorus, or certain descriptions of compounds of phosphorus, with or without the addition of carbonaceous matter, and any preparation consisting of a mixture of a chlorate with sulphur, or with sulphuret, with or without carbonaceous matter; and

(*b*) Division 2, comprising such substances as the chloride and the iodide of nitrogen, fulminating gold and sliver, diazobenzol, and the nitrate of diazobenzol.

Definition of "ammunition," "percussion-cap," "detonator," "safety fuze" and "safety cartridge," and sub-division of "ammunition" (class 6).

7. (*1*) The expression "ammunition," as used in these rules, means any explosive included in any of the foregoing definitions, when the same is enclosed in any case or contrivance, or is otherwise adapted or prepared, so as to form—

(*a*) a cartridge or charge for small-arms, cannon or any other weapon, or for blasting, or

(*b*) a safety or other fuze for blasting or for shells, or

(*c*) a tube for firing explosives, or

(*d*) a percussion-cap, a detonator, a fog-signal, a shell, a torpedo, a war-rocket, or any other contrivance other than a firework.

(*2*) The expression "percussion-cap," as used in these rules, does not include a detonator.

(*3*) The expression "detonator," as used in these rules, means a capsule or ca which is of such strength and construction, and contains fulminate in such quantity, that the explosion of one capsule or case would communicate the explosion to other like ca sules or cases.

(*4*) The expression "safety fuze," as used in these rules, means a fuze for blasting which burns and does not explode, and which does not contain its own means of ignition and which is of such strength and construction, and contains an explosive in such quantity that the burning of such fuze would not communicate laterally with other like fuzes.

(*5*) The expression "safety cartridge," as used in these rules,—

(*i*) means a cartridge for small-arms, the case of which can be extracted from the small-arm after firing, and which is so closed as to prevent any plosi in one cartridge being communicated to other cartridges; and

(*ii*) includes a rifle-calibre machine-gun cartridge, if it is as described in clause whether it is for use with a machine-gun having chambers identical with those of rifles or with a machine-gun having special chambers.

Provided that the diameter of the cartridge in either case (*i*) or case (*ii*) does n exceed one inch.

(6) Ammunition shall, for the purposes of there rules, by sub-divided as follows, namely :

(a) Division 1 comprising exclusively—

Safety cartridges,

Safety fuzes for blasting,

Railway fog-signals, and

Percussion-caps; and

(b) Division 2, comprising any ammunition, as hereinbefore defined, which does not contain its own means of ignition and is not included in Division 1, such as—

Cartridges for small-arms, other than safety cartridges,

Cartridges and charges for cannon, shells, mines blasting or other like purposes,

Shells and torpedoes containing any explosive,

Fuzes for blasting, other than safety fuzes,

Fuzes for shells,

Tubes for firing explosives, and

War-rockets,

which do not contain their own means of ignition ; and

(c) Division 3, comprising any ammunition, as hereinbefore defined, which contains its own means of ignition and is not included in Division 1, such as—

Detonators,

Cartridges for small-arms, which are not safety cartridges,

Fuzes for blasting, which are not safety fuzes,

Fuzes for shells, and

Tubes for firing explosives,

containing their own means of ignition.

Explanation.—The expression "ammunition containing its own means of ignition" means ammunition having an arrangement, whether attached to or forming part of the ammunition, which is adapted to explode or fire the ammunition by friction or percussion.

8. Fireworks shall, for the purposes of these rules, be sub-divided as follows, namely : Sub-division of "firework" class (7).

(1) Division 1, comprising firework compositions, that is to say,—

(a) any chemical compound or mechanically mixed preparation of an explosive or inflammable nature, which is used for the purpose of making manufactured fireworks, and is not included in any of the foregoing definitions,

(b) any star, and

(c) (except as declared in the proviso to this rule) any coloured fire composition; and

(2) Division 2, comprising manufactured fireworks, that is to say, any explosive of class 1, 2, 3, 4, 5 or 6 and any firework composition, when such explosive or composition is enclosed in any case or contrivance, or is otherwise manufactured so as to form a squib, cracker, toy cap or amorce, serpent, rocket (other than a war-rocket), maroon, lance, wheel, Chinese fire, Roman candle, or other article specially adapted for the production of pyrotechnic effects or pyrotechnic signals or sound signals:

Provided that a substantially constructed and hermetically closed metal case containing not more than one pound of coloured fire composition of such a nature as not to be liable to spontaneous ignition shall be deemed to be a "manufactured firework" and not a "firework composition."

TRANSPORT.

Packing of explosives for conveyance.

9. The following general rules shall be observed with respect to the packing of explosives for conveyance:—

(1) Unless the context otherwise requires,—

the expression "outer package" means a box, barrel, case or cylinder, of wood, metal or other solid material, of such strength, construction and character that it will not be broken or accidentally opened, nor become defective or insecure whilst being conveyed, and will not allow any explosive to escape;

the expression "inner package" means a substantial case, bag, canister or other receptacle, made and closed so as to prevent any explosive from escaping;

the expression "authorized explosive" means exclusively an explosive included in a List of Authorized Explosives prepared by the Chief Inspector of Explosives with the Government of India, and published annually in the *Gazette of India*, and in force for the time being;

the expression "propellant" means an authorized explosive of class 3 adapted and intended exclusively for use as a propelling charge in cannon or small arms; and the expression "special authority" means a written authority granted by the Chief Inspector of Explosives, to which may be attached such conditions as may, in the opinion of the Chief Inspector of Explosives, be necessary to meet the special requirements of the case.

(2) The interior of every package shall be free from grit and otherwise clean.

(3) Save as hereinafter provided, there shall not be any iron or steel in the construction of any package unless the same is covered with suitable material so as effectually to prevent the exposure of such iron or steel.

(4) Every package when actually used for the packing of one explosive shall not be used for the packing of any other explosive or any other article or substance.

Provided that this rule shall not prevent the packing of inner packages containing a propellant in an outer package with inner packages containing gunpowder or another propellant:

Provided also that this rule shall not prevent the packing of any article which is not of an inflammable or explosive nature, or liable to cause fire or explosion, in the same package as an explosive of the 1st Division of the 6th (ammunition) class.

(5) Subject to the foregoing provisions, the following shall be the method of packing authorized explosives of various classes, respectively, and the maximum amounts which may be in any one package:—

Class.	Method of packing.	Amount in any one outer package.	Amount in any one inner package.
Class 1	When the quantity in any one consignment does not exceed 5 lbs. in amount, a single outer package; otherwise A double package, the inner and outer packages being as above defined.	100 lbs. Provided that where gunpowder and propellant are packed together the amount shall not exceed— 50 lbs.	100 lbs. 25 lbs.
Class 2	As for class 1	50 lbs.	50 lbs.
Class 3, Division 1, other than propellants.	As for class 1, provided that either the outer or inner package shall be thoroughly waterproof, and both shall be without metal in the construction thereof.	50 lbs.	5 lbs.
Class 3, Division 1, propellants.	As for class 1	50 lbs.	50 lbs.
Class 3, Division 2, other than Picric Acid and Wet Guncotton.	As for class 1	50 lbs.	50 lbs.
Picric Acid ...	As for class 1	Unlimited.	Unlimited.
Guncotton so wetted with water as to be absolutely uninflammable.	As for class 1, provided that the inner or outer package, or both of them, shall be of such a nature, and so closed, as to prevent any material loss of moisture during conveyance.	Unlimited.	Unlimited.
Class 4	As for class 1	50 lbs.	50 lbs.
Class 5	Packed in water. A treble package, the innermost package being a bag permeable to water, enclosed in a case containing sufficient water to ensure the explosive being kept constantly wet; and the outer package containing sufficient water constantly to surround the case. Both the case and the outer package shall be of such construction as will not allow water to escape. If the explosive is of such character that it cannot be packed in a thoroughly wet condition it shall be packed in accordance with condition set forth in a special authority.	200 lbs.	25 lbs.
Class 6, Division 1, other than Pin-fire cartridges for pistols.	A single outer package: Provided that the above general rule (3) shall not apply to explosives of this Division. Provided also that bulleted cartridges of a calibre exceeding 0·5 inch and belonging to this Division shall be packed in such a manner that the point of any bullet cannot come in contact with the cap of another cartridge.	Unlimited.	...
Pin-fire cartridges for pistols.	(a) Not exceeding 50 in number in any one consignment:—So packed in a single package that the bases lie alternately in opposite directions. The bases and pins shall be so fitted into perforations in millboard or other suitable material as to prevent the firing of any one of the said cartridges by an explosion in any other of the said cartridges.	50 in number.	...

Class.	Method of packing.	Amount in any one outer package.	Amount in any one inner package.
	(*b*) Exceeding 50 in number:—In an inner and outer package, the cartridges being packed in inner packages with millboard as above required.	2,500 in number.	50 in number.
Class 6, Division 2 ...	Explosives made up into cartridges or charges for cannon, shells, torpedoes, mines, blasting or other like purposes shall be packed in such manner and in such quantity as is required for the same explosive when not so made up; provided that, where a double package is required, the enclosing case of such cartridges or charges may, if it satisfies the conditions required for an inner package, be held to be such inner package.	...	...
	Other ammunition of this Division:—A single outer package.	100 lbs.	...
Class 6, Division 3 other than Detonators and Electric Detonators.	As for class 1 ... ... Provided that bulleted cartridges of a calibre exceeding 0·5 inch and belonging to this Division shall be packed in such a manner that the point of any bullet cannot come in contact with the cap of another cartridge.	50 lbs.	2 lbs. or 10 in number, whichever be the greater.
Detonators ...	(*a*) Not exceeding 1,000 in any one consignment:—As for class 1, provided that the detonators and the spaces between the same and between the sides of the inner package and the said detonators shall all be filled, as far as practicable with fine sawdust or other similar materials; a layer of felt or other soft yielding material shall be placed between both ends of all the detonators and the interior of the inner package in which the same are placed, in such manner, and so secured, that both ends of the detonators will rest upon the said cotton wool or other material; every inner package, if of metal, to be lined throughout with paper or other soft material; and	1,000 in number.	100 in number.
	(*b*) Exceeding 1,000 detonators:—		
	The detonators shall be packed in inner packages, with sawdust and cotton wool as above desribed. Such inner packages shall be placed inside a substantial case of wood or metal, made and closed so as to prevent any of the inner packages escaping thereform, and such case shall be placed inside an outer package in such manner and so secured as to leave a clear space of not less than three inches between the case and every part of the interior of the said outer package, notwithstanding that such clear space may if preferred, be filled with sawdust, straw, or other similar material, or may contain a light framework or battens of wood to keep the case aforesaid in position in the outer package; and	10,000 in number.	100 in number.
	(*c*) where the number of detonators exceeds 5,000, such outer package shall be provided with handles or other contrivance, by means of which it can be safely and conveniently carried.		

Class.	Method of packing.	Amount in any one outer package.	Amount in any one inner package.
Electric Detonators ...	As for class 1, provided that where the number in any outer package exceeds 3,000 such outer package shall be provided with handles or other contrivance, by means of which it can be safely and conveniently carried.	5,000 in number	100 in number.
Class 7, Division 1 ...	Double package, the inner package, being hermetically closed, and contained in an outer package as above defined.	20 lbs.	1 lb.
Class 7, Division 2 ...	Single outer package provided that the above general rule (3) shall not apply to explosives of this Division.	100 lbs.	...

(6) Nothing in this rule shall be deemed to prohibit the use of an additional package whether inner or outer, provided that such additional package shall not be of such character as shall have been prohibited in writing by the Chief Inspector of Explosives.

(7) An explosive which is not an authorized explosive shall be packed in such manner, as may be directed by a special authority with reference to such explosive.

(8) On the outermost package there shall be affixed in conspicuous characters, by means of a brand or securely attached label or other mark, the word "Explosive," the name of the explosive, the number of the class and division to which it belongs, and the name of the manufacturer or sender.

In the case of explosives of classes 3 and 4 there shall be added the date of manufacture or issue from the factory, or such sign indicating such date as may be approved by the Chief Inspector of Explosives.

Provided first, that in the case of cartridges or charges for cannon, shells, mines blasting or other like purpose, which do not contain their own means of ignition, the marking shall be as for the explosive when not so made up.

Provided, secondly, that in the case of explosives of class 6, Division 1 (Safety Fuzes excepted), there shall be added the words "Not liable to explode in bulk."

Provided, thirdly, that in the case of Pin-fire cartridges for pistols there shall be added the words "Pin-fire cartridges."

Provided, fourthly, that in the case of Safety Fuzes or Gunpowder the word "Explosive" and the number of the class and division may be omitted; and

Provided, fifthly, that, where an outer package contains more than one explosive, the marking above required shall be affixed separately in respect of each explosive so contained.

(9) To meet special cases exemption may be granted by special authority from the observance of any one or more of the conditions imposed by this rule.

10. Whoever commits a breach of any of the foregoing rules relating to the packing of explosives for conveyance shall be punishable with fine which may extend to Rs. 1,000. Penalty.

11. The following general rules shall be observed with respect to the conveyance of explosives: Mode of conveyance.

I.—No explosive shall be conveyed from place to place unless packed in the manner provided for in the foregoing rules.

II.—There shall not be conveyed in any carriage or vessel which is being used for the conveyance of an explosive, any explosive of a different class and division, of whatsoever nature, which contains its own means of ignition, unless it is sufficiently separated therefrom to prevent any fire or explosion which may take place in one such explosive being communicated to another.

III.—Except in the case of small consignments carried by railway which may be unloaded at any time, explosives shall be loaded or or unloaded only between sunrise and sunset. For the purposes of this rule no consignment of more than half a wagon-load booked to one station shall be deemed to be a small consignment.

IV.—Whilst the explosive is being loaded on or unloaded out of any carriage or vessel, no fire or artificial light, or any article which is liable to cause or communicate fire or explosion [such as charcoal, lucifer matches, articles for striking a light, petroleum to which the Indian Petroleum Act, 1899 (VIII of 1899), or any other Act for the time being in force regarding the importation, possession, and transport of petroleum, applies, or any spirit or oil or substance that gives forth an inflammable vapour at a temperature below 100 Fahrenheit] shall be, or shall be allowed to be, brought, had or used dangerously near to such carriage, ship, or boat, and no smoking shall be allowed in, on, or dangerously near to, the same:

Provided that when the use of a light for the purposes of such loading or unloading is unavoidable, a lamp of such construction, position, or character as not to cause any danger from fire or explosion may be used; and no person, while handling any explosive (except an explosive of Division 1, Class 6, if packed in accordance with the packing rules) shall wear boots or shoes with iron or steel nails, heels or tips.

V.—In the loading or unloading of any explosive, the casks and packages containing the same shall be passed from hand to hand and not rolled upon the ground; they shall not be thrown or dropped down, but shall be carefully deposited and stowed.

VI.—The explosive shall not be conveyed except in the interior of a carriage so enclosed on all sides with wood or metal, or in the hold of a ship or boat having a close deck so closed, as effectually to protect the explosive against accident by fire from without. If the explosive cannot be so secured, it shall be completely covered with painted cloth, tarpaulin, or other suitable material so as to effectually protect it against communication of fire.

VII.—There shall not be any iron or steel in the interior of the portion of the carriage or vessel with which the case containing the explosive is or may come in contact, unless the same is effectually covered with leather, wood, cloth, or other suitable material.

VIII.—In the stowing of the explosive, due precautions shall be taken by means of a partition or otherwise and by careful stowing to secure such explosive, from being brought into contact with, or endangered by, any other article or substance conveyed in such carriage or vessel which is liable to cause fire or explosion; and if the explosive is dangerously affected by water, due precautions shall be taken to exclude water from coming into contact with such explosive.

IX.—The amount of the explosives conveyed in any one carriage or vessel at any one time shall not exceed 2,000 lb. unless the carriage be so enclosed on all sides with wood or metal, or the vessel have a close deck so closed, as effectually to protect the explosive against accident by fire from without, in which case the amount of the explosives conveyed shall not exceed the following:*

	Tons.
In any one carriage on a railway	10
In any one other carriage	2
In any one vessel	20

* NOTE.—This rule shall, in the case of dynamite conveyed by railway, be read subject to paragraph XII of Rule 13.

X.—Nothing in the foregoing rules (except Rule I) shall apply to any explosive of the 1st Division of the 6th (Ammunition) Class:

Provided that all due precautions are taken for the prevention of accidents.

Conveyance otherwise than by railway.

12. The following rules shall be observed with respect to the conveyance of explosives otherwise than by railway:

I.—No explosive shall be conveyed in a carriage or boat whilst carrying or plying for public passengers, unless the quantity is less than 5 lbs. and notice has been given beforehand to the person in charge of such carriage or boat: and all due precautions are taken for the prevention of accidents by fire or explosion:

Provided that there shall not be conveyed in any such carriage or boat any explosive of the 5th (Fulminate) Class or any explosive of the 3rd Division of the 6th (Ammunition) Class or of the 1st Division of the 7th (Firework) Class, except detonators packed according to Rule 9 to the number of 200.

Provided that the amount of explosive of the 5th (Fulminate) Class in the detonators shall in no case exceed in the aggregate 3 oz. (a certificate to this effect being given by the agent of the company by whom the detonators are tendered for transport).

Provided also that no other explosive is carried in the same compartment.

II.—With respect to the conveyance by carriage or vessel of explosives of the 5th (Fulminate) Class, or of the 3rd Division of the 6th (Ammunition) Class or of the 1st Division of the 7th (Firework) Class, or of larger quantities than 5 lbs. of any other explosive, the following regulations shall be observed :

(1) The person in charge of the carriage or vessel shall not drive or conduct the same in a dangerous or reckless manner and shall take all due precautions to avoid fire and explosion, and no person shall do any act or thing in relation to the explosive which tends to cause fire or explosion, and is not reasonably necessary for the conveyance of the explosive or for work immediately connected with such conveyance ; and a person who is intoxicated shall not have charge of any carriage or vessel conveying explosive, and shall not be permitted to be in, or on, or attending the same.

(2) A person shall not forward to any warehouseman or carrier a consignment of explosive, unless he has given notice to such warehouseman or carrier beforehand, stating the name and quantity of the explosive proposed to be conveyed, and the name and address of the proposed consignee, and has had an intimation that the warehouseman or carrier is prepared to receive the consignment, and a warehouseman or carrier shall not make such an intimation nor receive such consignment, unless he is prepared to receive it, and forthwith to despatch the same, or to deposit it in a magazine or at a place at which a person is licensed to possess the same.

(3) The carriage or vessel conveying the explosive shall be in charge of, and constantly attended by, some competent person, or by a sufficient number of competent persons, and such persons shall not, if the amount of the explosive conveyed exceed 100 lbs., stop or delay for a longer time than may be reasonably necessary or stop unnecessarily at any place where such stopping would be attended with special public danger.

III.—No explosive belonging to class 1 (gunpowder class), class 2 (nitrate-mixture class), class 3 (nitro-compound class), class 4 (chlorate mixture class) or class 5 (fulminate class), shall be carried, otherwise than by rail, across any railway bridge over which reasonable facilities for the conveyance thereof by rail are afforded by the Railway Administration.

Provided that this prohibition shall not apply in respect of quantities of explosives of class 1 (gunpowder class) or class 3 (nitro-compound class) not exceeding 5 lbs. in weight.

13. The following rules shall be observed with respect to the conveyance of explosives by public railways : *Conveyance by public railways.*

I.—No person shall send for carriage upon any railway any consignment of an explosive, unless he has given to the officer in charge of the railway station previous notice in writing which, at the option of the Railway Administration, may extend to 48 hours, of his intention to send such consignment, and stating the true name, description, quantity, and mode of packing of the explosive proposed to be conveyed, and his own name and address, and also the name and address of the proposed consignee, and unless he has had an intimation in writing from an authorized officer of the railway that such consignment will be received.

II.—No explosive which a Railway Administration shall, by any notice or regulation for the time being in force, notify that they will not receive, shall be brought, sent, or forwarded to or upon any railway of the said Railway Administration.

III.—Consignments of explosives shall be sent to the forwarding station and shall be received by the railway servants only at such times, between sunrise and sunset, as the Railway Administration may appoint ; and every package containing any explosive proposed to be conveyed on any railway shall immediately on arrival at the station be unloaded and placed in a safe place under the special direction of the officer in charge of the station.

All gunpowder under despatch or receipt by a Government arsenal, depôt, or factory shall be loaded or unloaded in the railway vans by Government servants employed in such arsenal, depôt, or factory. In each van used by the railway for the transport of gunpowder the packages of gunpowder shall be secured in such a way as to prevent concussion when the train is in motion.

IV.—An explosive shall be removed by the consignee from the receiving station during the twelve hours of daylight after arrival: if this condition is not strictly complied with, the Railway Administration may return the consignment to the consignor at his risk and expense. And such packages shall in the meanwhile be kept as far away from the station buildings as possible, in the wagon they were conveyed in, or, if unloaded, shall be completely covered with tarpaulins or other suitable material, and if necessary, shall be protected by a police guard.

V.—The Railway Administration may refuse to receive any packages which they suspect to contain any explosive packed or sent in contravention of these regulations. And in case any package, which the Railway Administration suspect, shall be upon any railway, the Railway Administration may open, or require to be opened, such package to ascertain the fact, at the risk and expense of the consignor and may return the explosive contained in the package to the consignor at his risk and expense, keeping the packages, pending such return in the manner prescribed in the preceding rule.

VI.—Subject to the exception provided for in clause (*e*), no explosive shall be conveyed by passenger train except of the kinds and in the manner hereinafter specified in this rule:

(*a*) Safety-cartridges and percussion-caps and safety-fuses (for blasting), also fog signals for railway use which may be conveyed in ordinary wagons or carriages.

(*b*) Explosives of the 3rd (nitro-compound) class which may be carried in the form of cartridges up to the limit of 5 lbs.:

Provided that no detonators are carried in the same compartment.

(*c*) Detonators packed according to Rule 9 may be carried to the number of 200.

Provided that in no case the amount of fulminate of mercury in the package or packages containing the detonators exceeds in the aggregate 3 oz. (a certificate to this effect being given by the company, firm, or person tendering the detonators for transport or by its or his agent):

Provided also that no other explosive is carried in the same compartment.

(*d*) Sporting gunpowder or non-safety cartridges packed in double cases as before provided, so long as the gunpowder is contained in one-pound tin canisters packed in a stout wooden case with an outer covering of tin or zinc completely spark-proof, or in metal-lined cases of a pattern approved by the Railway Administration. But no outer case shall contain more than 25 lbs. of gunpowder, and the total consignment of gunpowder or non-safety cartridges by one train shall not exceed 80 lbs.

(*e*) Explosives may be carried by mixed trains on any line on which goods trains are not running, subject to the conditions that they are loaded in properly constructed powder vans; that not more than one powder-van containing explosives is forwarded at any one time by a mixed train; that there are not less than three vehicles between the powder-van and either the engine or the passenger coaches; that the powder-van is close coupled to the adjoining vehicles: and that directly a powder-van containing explosives arrives at a section on which goods trains are running, it is detached from the mixed train.

VII.—Not more than five carriages containing explosives shall be loaded or unloaded at any railway station, or be conveyed by any one train at any one time; and the quantity of explosive to be contained in any one carriage shall not exceed two-thirds of the normal load, unless the carriages shall be specially built and approved by the Railway Board for the conveyance of explosives. But nothing in this clause shall be held to apply to separate consignments of safely cartridges for small arms.

VIII.—There shall not be conveyed in the same carriage with any explosive any lucifer or other matches, fuzes, pipelights, acids, naphtha, paraffine, petroleum to which the Indian Petroleum Act, 1899 (VIII of 1899), or any other Act for the time being in force regarding the importation, possession, and transport of petroleum, applies or any other volatile spirit substance liable to give off an inflammable vapour or liable to spontaneous ignition, or to cause or communicate fire or explosion.

IX.—The consignor shall attach to the consignment note a certificate or (provided the original is produced for verification) copy of a certificate, signed by an officer authorized

by the Local Government in this behalf that the explosive if it is an explosive of class 3 or 4, is of the standard purity; and further in the case of dynamite, and all nitro-glycerine compounds, that there are no signs of exuded nitro-glycerine or of liquefaction. The consignor shall also certify that the explosive has been packed in accordance with the packing rules in force in England or in British India.

X.—In the case of explosives under clauses 3 and 4, the outer packages shall be marked with the date of the manufacture of the explosives. The abovementioned certificate shall contain sufficient information to admit of all packages being easily recognized.

XI.—The certificate referred to in Rule 13 (IX) shall be valid for six months after date, if the examination has been made between the 15th October and 31st March, but any Railway Administration which accepts dynamite and other nitro-glycerine compounds for transport may demand a fresh certificate for these explosives, if presented for conveyance between 1st April and 15th October (both inclusive).

XII.—Packages containing dynamite and other blasting explosives of the 3rd (nitro-compound) class, or explosives of the 4th (chlorate-mixture), 5th (fulminate) classes or of the 1st division of the 7th (firework) class shall be stowed in one layer only and secured so as to prevent movement during transit, and the gross load in any one wagon shall not exceed 3 tons:

Provided that, if the packages of explosive are in rectangular form and are properly secured so as to prevent movement during transit, they may be stowed in any number of layers not exceeding five, and the gross load in any one wagon shall not exceed 5 tons.

XIII.—No explosive of the 5th (fulminate) class or of the 3rd division of the 6th (ammunition) class, or of the 7th firework) class shall be carried in the same train with any explosive not of the class and division to which it belongs, unless it be sufficiently separated therefrom to prevent any fire or explosion which may take place in one such explosive being communicated to another.

XIV.—Wagons used for the carriage of explosives shall be examined to see that they are spark-proof, and have been cleaned out before they are loaded. Hair, cloth, hides, or other suitable materials shall be spread on the floor of the wagon and between each layer of packages, except when the packages are covered with gunny or felt, or contain safety cartridges for small-arms packed in tin-lined service-pattern boxes.

XV.—Wagons containing explosives shall be loaded and unloaned on sidings distant as far as possible from the station buildings.

XVI.—Packages containing explosives other than those referred to in Rule 13 (XIII) shall not be stored in more than three layers one above the other. But if the packages are in rectangular form and of uniform size (provided they are double packages, and are so secured as to prevent movement during transit) they may be packed in five layers one above the other. But in the case of safety cartridges, for small arms packed in tin-lined service pattern boxes, there is no restriction. Subject to the provisions of Rule 11 (III), the loading and unloading of explosives when once begun shall be diligently proceeded with until the same is completed.

XVII.—When the train is being marshalled, wagons loaded with explosives, may be shunted by a locomotive, if they are separated from the engine by not less than three wagons containing no explosive nor easily inflammable substances. This precaution is not necessary with wagons specially constructed for the carriage of explosives. The speed of these movements shall be restricted to five miles an hour; they shall be superintended by a duly authorized officer, who shall be held responsible for the observance of these orders. Flying shunts are strictly prohibited.

XVIII.—Wagons containing explosives shall be placed at the end of the train away from the locomotive, and shall be close-coupled to one another as well as to the adjoining wagons, and shall be preceded and followed by three wagons not loaded with explosives or other traffic of an inflammable nature.

Provided as follows:

(a) On the Darjeeling-Himalayan Railway, wagons containing explosives and adjoining wagons need not be close-coupled to one another, and

(b) On the Nilgiri Railway only one wagon need intervene between the locomotive and wagons containing explosives.

XIX.—If the wagons employed in the transport of explosives are provided with brakes other than iron brakes, the brakes thereon shall on no account be worked while the

wagons are running with a train, nor shall brakes, other than iron brakes, on vehicle immediately adjoining such wagons, be worked while such wagons are so running.

XX.—Wagons shall in every case be locked when loaded with explosives.

XXI.—All operations connected with the transhipment of explosives at junction stations shall take place during daylight.

Penalty.

14. Whoever commits a breach of any of the foregoing rules relating to the mode of conveyance of explosives shall be punishable with a fine which may extend to Rs. 100.

IMPORTATION.

License when required for importation.

15. Subject to the following provisos, an explosive shall not be imported by sea or land into British India, except under and in accordance with the conditions of a license to import the explosive.

Provided that explosives may be imported by sea, previous to the grant of an importation license, in accordance with rules I, II, III, and IV of this rule.

I.—Any explosive other than an explosive specified in rule 18 may, previously to the grant of license, to import if it is included in a list published under clause (1) of rule 9 and for the time being in force, and if it is certified to be of British manufacture or, if not of British manufacture, if it is imported from the United Kingdom and covered by the certificate granted by one of His Majesty's Inspectors of Explosives in England, be landed in accordance with such regulations as the Local Government may prescribe in this behalf and be stored in a place set apart by the Local Government for this purpose, or in any private magazine declared by the Local Government to be suitable therefor.

II.—Any such explosive of British manufacture, may also be transported by rail to any such private magazines previously to the grant of a licence to import.

III.—The Governor-General in Council may extend to any such explosive not of British manufacture regarding which he is satisfied that it has been manufactured under adequate official supervision the privilege of landing granted by rule I, but such explosive may not be transported by rail until an importation license has been granted.

IV.—Before any explosive is landed under rules I and III, the consignee shall give to the Chief Customs officer of the port such undertaking, with or without security, as the said officer thinks sufficient, to obey, in the event of the explosive failing to satisfy the prescribed tests, such directions as to its disposal as the Local Government may see fit to prescribe.

If samples are taken, the procedure shall be that described in rule 23.

Provided, also that explosives of British manufacture may be imported by land, previous to the grant of an importation license, in accordance with rules V and VI of this rule.

V.—Explosives (except those specified in rule 18) included in a list published under rule 9 (1) ; and certified to be of British manufacture, may, previously to the grant of a license, be imported and conveyed under such conditions as the Local Government may prescribe, to a magazine appointed in this behalf by the Local Government.

VI.—Before an explosive is imported under rule V, the consignee shall give to the Magistrate of the District in which the magazine appointed under rule V is situate, or to the Commissioner of Police if such magazine is situate in a Presidency town or Rangoon, such notice of his intention to import the explosive as the Local Government may prescribe ; and shall give such undertaking, with or without security, as the said District Magistrate or Commissioner of Police may require, that he will, in the event of the explosive failing to satisfy the prescribed tests comply with such directions as to its disposal as the Local Government may issue.

If samples are taken, the procedure laid down in rule 24 shall be followed.

Penalty.

16. Whoever imports an explosive in contravention of rule 15 shall be punishable with fine which may extend to three thousand rupees.

Ports at which importation is lawful.

17. An explosive shall not be imported by sea except at on of the ports of Calcutta (including Moyapur and Diamond Harbour), Madras, Bombay, Rangoon, Calicut, Karachi, Aden and (in the case of crackers only) Negapatam and Moulmein. But a license to import an explosive by sea from Rangoon into the port of Akyab, Sandoway, Kyouk Phyoo, Tavoy, Mergui or Victoria Point as the case may be, may be granted by the Magistrate of the District in which such port is situated. The fee payable in respect of

each such license shall be one rupee, and the license shall be in Form A in the schedule hereto annexed.

Grant of licenses for importation in certain cases.

18. If the explosive is gunpowder or an explosive of the 1st division of the 6th (ammunition) class or of the 7th (firework) class, the license to import the same may be granted,—

(*a*) If the importation is by sea, by the Commissioner of Police of Calcutta, Madras, Bombay or Rangoon or the District Magistrate of Calicut, Karachi, Aden, Negapatam or Moulmein as the case may be, and

(*b*) If the importation is by land, by the officer appointed to grant licenses under rule 21.

Fees for licenses granted under rule 18.

19. The fee payable in respect of each such license shall be Rs. 10; but if any explosive imported under a license into a British port is exported thence to another British port named in rule 17 the necessary license for such re-import may be granted on payment of a fee of one rupee instead of Rs. 10.

Grant of licenses for importation by sea in cases not provided for by rule 18.

20. Licenses for the importation by sea of any explosives other than those specified rule 18 shall be granted by the Local Government or by some officer specially authorized by the Local Government in this behalf.

Grant of licenses for importation by land and fees for such licenses.

21. Licenses for the importation of explosives into British India by land shall be granted by the Magistrate of the District to which the explosives are consigned, or, if the explosives are consigned to a Presidency-town, or Rangoon by the Commissioner of Police. The fee payable in respect of each such license shall be Rs. 10.

Conditions for granting licenses under rule 20.

22. No license shall be granted for the importation of any explosives of the description referred to in rule 20 unless—

(*a*) It is an explosive authorized for manufacture in, or importation into, the United Kingdom for general sale,

(*b*) its importation is recommended by the Chief Inspector of Explosives with the Government of India, and

(*c*) If it is an explosive for which a test or examination has been prescribed by or under the orders of the Government of India, samples of it taken as hereinafter provided are certified by the Chemical Examiner or some other officer appointed by the Local Government in this behalf to have passed the test or examination from time to time prescribed.

Testing of importations by sea in certain cases.

23. On the arrival in any port at which the importation of explosives is lawful, of a ship having an board on explosive other than an explosive of the description referred to in rule 18, such officer as the Chief Customs Officer authorizes in this behalf shall, as soon as may be, proceed on board and shall, if testing or examination is requisite under the last preceding rule, obtain samples of the explosive.

All explosives of which samples are taken for examination shall forthwith be deposited in a place or magazine set apart or notified under rule 15-I, and shall not be distributed for use until the importer has received from the licensing authority notice that it may be so disributed

The master of the ship give to the said officer, without charge, such samples as he may require. The said officer shall affix to each such sample the name of the ship and of the consignee and such other distinguishing marks as he may think necessary, and shall forward the same to the Chemical Examiner or officer, as aforesaid, for report.

The Chemical Examiner or officer as aforesaid, after testing the said samples, shall without delay forward to the licensing authority, through the Chief Customs Officer, a report under his signature certifying whether the explosive has satisfied the prescribed test.

Testing of importations by land in certain cases.

24. When an explosive imported by land has been conveyed to, and deposited in the magazine referred to in rule 15-V, the person owning or being in charge of such magazine shall forthwith, if the testing or examination of the explosive is required by rule 22, deliver free of charge to such officer or person as may be appointed by the Local Government in this behalf such samples as he may require. No explosive of which a sample has been so taken, shall be removed to its destination or distributed for use until the importer or the person in charge of the magazine has received from the licensing authority a notice that it may be so removed or distributed.

The officer or person appointed as aforesaid shall affix to the sample received by him the name of the consignee and such other distinguishing marks as he may think necessary, and shall forward the sample for report to the Chemical Examiner or other officer appointed by the Local Government in this behalf.

The Chemical Examiner or such other officer as aforesaid shall, after testing the sample without delay forward to the licensing authority, through the officer or person from whom he received the sample, a report under his signature certifying whether the prescribed test has been satisfied.

Re-importation from one prescribed port into another.

25. Explosives, other than those referred to in Rule 18, which have already undergone the test prescribed by Rules 23 and 22 at the ports of Calcutta (including Moyapur and Diamond Harbour), Madras, Bombay, Rangoon, Calicut, Karachi, or Aden, may be re-imported by sea into any other of those ports under a license granted under Rule 20 without re-testing, but subject, in the case of such explosives as are mentioned in Rule 13, Clause IX, to the production of the certificate prescribed in that clause.

Such certificate shall be valid for six months after date, if the examination has been made between the 15th October and 31st March; but in the case of dynamite, a fresh certificate may be demanded if the consignment is imported between the 1st April and 15th October (both inclusive).

Duration of license granted under Rules 20 and 21.

26. The period for which a license to import an explosive, granted under Rules 20 and 21, shall continue in force shall not exceed such period as may seem necessary to the authority granting the license.

Fees for licenses granted under Rule 20.

27. The fee payable on a license granted under Rule 20 shall be Rs 10, but if any explosive imported under a license into a British port is exported thence to another British port named in Rule 17, the necessary license for such re-import may be granted on payment of a fee of one rupee instead of Rs. 10.

Form of license under Rules 18, 20 and 21.

28. Every license granted under Rules 18, 20 and 21 shall be in Form A in the Schedule hereto annexed, and shall be subject to the conditions therein prescribed, and also to such additional conditions with respect to the time and place of unloading, landing, delivery and conveyance of the explosive, and such other conditions as may in each case be thought by the licensing officer to be necessary for the public safety or in the interest of the State.

Penalty.

29. Whoever commits a breach of any condition, subject to which a license under Rules 18, 20 and 21 is granted, shall be punishable with fine which may extend to three thousand rupees.

Powers of inspection, search, seizure, etc.

30 (1) Any of the officers mentioned in clause (2) of this rule may, within the areas respectively specified in that clause, but subject to the provisions of the Indian Arms Act, 1878 (XI of 1878), and of any rules for the time being in force thereunder, in cases to which that Act applies,—

(*a*) enter, inspect and examine any carriage or vessel in which an explosive is being transported or imported under a license granted under these rules or any prior rules made under the Indian Explosives Act, 1884 (IV of 1884), or in which he has reason to believe that an explosive has been or is being transported or imported in contravention of the said rules or Act, and may enter, inspect and examine any magazine or place in which explosives are stored under the provisions of Rule 15;

(*b*) search for explosives in any such carriage, vessel, magazine or place;

(*c*) take samples of any explosives found therein, on payment of the value thereof, if payment can be made at the time the samples are taken; and

(*d*) seize, detain, remove and, if necessary, destroy or otherwise render harmless any explosive found therein in respect of which he has reason to believe that any of the provisions of the said rule or Act have been contravened.

(2) The officers and areas referred to in clause (1) of this rule are:—

Officers.	*Areas.*
The Chief Inspector and Inspectors of Explosives.	In all parts of British India.
All District Magistrates.	Within their respective districts.
All Magistrates subordinate to the District Magistrate.	Within the areas respectively subject to their jurisdiction.
The Commissioner of Police, and all Police-officers of rank not below that of Inspector, if specially deputed in this behalf by the Commissioner of Police.	In Presidency towns and Rangoon.
All Police-officers of rank not below that of Inspector.	Within the respective areas over which their authority extends.

(3) Whenever the Chief Inspector or an Inspector of Explosives, or any Magistrate subordinate to the District Magistrate, or any Police-officer seizes, detains or removes any explosive under this rule, he shall report the fact to the District Magistrate or (in a Presidency town or its suburbs or in Rangoon) the Commissioner of Police.

(4) Neither the Chief Inspector nor an Inspector of Explosives, nor any Magistrate subordinate to the District Magistrate nor any Police-officer shall under these rules destroy or otherwise render harmless any explosive without the previous sanction of the District Magistrate or (in a Presidency-town or its suburbs or in Rangoon) the Commissioner of Police unless the matter appears urgent and fraught with serious public danger.

(5) Whenever any officer destroys any explosive or otherwise renders it harmless, he shall take and keep a sample thereof, and shall, if required, give a portion of the sample to the person owning the explosives or having the same under his control at the time of seizure, and, whenever any officer other than the District Magistrate or Commissioner of Police so deals with any explosive, he shall report the circumstances to the District Magistrate or (in a Presidency-town or its suburbs or in Rangoon) the Commissioner of Police.

GENERAL.

Forfeiture of licenses.

31. Every license granted under these rules shall be liable to be forfeited on breach of any of the conditions subject to which it is granted.

Exemption from penalties of persons carrying on business of deceased or disabled licensee.

32. If a person licensed to import an explosive dies or becomes bankrupt or becomes mentally incapable or otherwise disabled, the person carrying on the business of such licensee shall not be liable to any penalty or forfeiture under the Indian Explosives Act, 1884 (IV of 1884): or the rules thereunder for acting under the license during such reasonable time as may be necessary to allow him to make an application to the authority granting the license for a new license in his own name during the currency of the unexpired portion of the original license Such new license shall be granted on payment of one rupee.

Method of levying fees.

33. All fees chargeable for licenses under these rules shall ordinarily be levied by means of impressed stamps. An application for the grant or the renewal of a license shall bear the proper stamp : provided that, if it is refused, the value of the separate stamp (if any) which may have been already provided by the applicant for the desired license or renewed license, *minus* the deductions prescribed by section 54 of the Indian Stamp Act, 1899 (II of 1899), may be refunded to the applicant. An application should not be made on the stamped paper intended for the license or renewed license; but, where this has been wrongly done, the value of the stamp may be refunded *minus* :—

(*i*) the value of the stamp which should have been affixed to the application, and

(*ii*) the deductions prescribed as aforesaid.

Where the fees leviable under these rules have been made over to any local body, the fees shall be paid in such a manner as that local authority may from time to time direct.

Grant of duplicate licenses.

34. When a license granted in accordance with these rules is lost, or accidently destroyed, a duplicate may be granted to the licensee on payment of a fee of 8 annas.

Production of licenses.

35. Any person holding a license, or acting under a license granted in accordance with these rules, shall be bound to produce the same when called upon to do so by any Magistrate, or by any Police officer in charge of a Police station, or by any Police officer of higher rank.

Control over officers.

36. All Magistrates or other authorities acting under these rules shall perform their duties subject to the control of their executive superiors and of the Local Government.

Power to extend effect of license.

37. Any authority empowered to grant a license under the foregoing rules may, if he thinks fit, direct by an order written on the license that it shall have the effect of a like license under the Indian Arms Act, 1878 (XI of 1878).

Importation without license.

38. Any person lawfully entitled under the Indian Arms Act, 1878 (XI of 1878), or the rules thereunder, to possess any explosive coming under the head of ammunition, as defined in that Act, may import without license under these rules, any such explosive in such quantities as may be prescribed by that Act or the rules thereunder, or, when no quantities are prescribed, in reasonable quantities for his own private use ; but, when an explosive is so imported, the Collector of Customs or any other officer empowered by the Local Government in this behalf by name or by virtue of his office may at any time detain such explosive until he receives the orders of the Local Government thereon.

FORM A.

(See Rules 18, 20, 21 and 28.)

FEE TEN RUPEES IN STAMPS

License to import Explosives.

Name, etc., and address of license-holder.	Number of packages.	Explosives.			Purpose for which required.	Destination.	Period for which the license is valid.
		Description.	Weight.	Number.			
							From ______th of ______ to the ______th of ______ 190 .

The ______ of ______ 190 . } (Seal.) (Signature) ______ of ______

CONDITIONS.

1. This license is given subject to the provisions of the Indian Explosives Act, 1884 (IV of 1884), and the rules thereunder. Certain general rules are quoted separately below.

2. This license shall become void after expiry of the period named thereon.

3. This license is valid for importation only; if the articles named herein are to be transported to any place outside the Presidency town/*town of, they must be protected by a transport license, to be issued in accordance with the rules under the Indian Arms Act, 1878 (XI of 1878), except in the case of explosives despatched to places or magazines set apart or notified under the proviso to rule 15.

4. On the outside of each package there shall be affixed in conspicuous characters by means of a brand or securely attached label or mark the word "Explosive," followed by name of the explosives or other description of the contents and the name and address of the owners or senders.

GENERAL RULES.

* * * * * * * *

Forfeiture of license.

31. Every license granted under these rules shall be liable to be forfeited on breach of any of the conditions subject to which it is granted.

Exemption from penalties of persons carrying on business of deceased or disabled licensee.

32. If a person licensed to import an explosive dies or becomes bankrupt or becomes mentally incapable or otherwise disabled, the person carrying on the business of such licensee shall not be liable to any penalty or forfeiture under the Indian Explosives Act, 1884 (IV of 1884) or the rules thereunder for acting under the license during such reasonable time as may be necessary to allow him to make an application to the authority granting the license for a new license in his own name during the currency of the unexpired portion of the original license. Such new license shall be granted on the payment of one rupee.

Note.—In the case of the explosives imported into a town other than a Presidency town as defined in the General Clauses Act, 1897 (X of 1897), section 3, clause (41), the name of the town should be inserted.

Method of levying fees.

33. All fees chargeable for licenses under these rules shall ordinarily be levied by means of impressed stamps. An application for the grant or the renewal of a license shall bear the proper stamp: provided that, if it is refused, the value of the separate stamp (if any) which may have been already provided by the applicant for the desired license or renewed license, *minus* the deductions prescribed by section 54 of the Indian Stamp Act, 1899 (II of 1899), may be refunded to the applicant. An application should not be made on the stamped paper intended for the license or renewed license; but where this has been wrongly done, the value of the stamp may be refunded *minus*—

(*i*) the value of the stamp which should have been affixed to the application, and

(*ii*) the deductions prescribed as aforesaid.

Where the fees leviable under these rules have been made over to any local body, the fees shall be paid in such manner as that local authority may from time to time direct.

Grant of duplicate licenses.

34. When a license granted in accordance with these rules is lost, or accidently destroyed, a duplicate may be granted to the licensee on payment of a fee of 8 annas.

Production of licenses.

35. Any person holding a license, or acting under a license granted in accordance with these rules, shall be bound to produce the same when called upon to do so by any Magistrate, or by any Police officer in charge of a Police station, or by any Police officer of higher rank.

Rules for Testing Explosives.

With reference to Rule 22 of the Rules to regulate the transport and importation of explosives published with this Notification and in supersession of the Notification of the Government of India in the Home Department, No. 5529 (Public), dated the 11th October 1901, the Governor-General in Council is pleased to make the following rule on the subject of the tests which explosives should be required to pass before their importation is permitted.

RULE.

Class 1.—Gunpounder class. Gunpounder is not required to pass a test.

Class 2.—Nitrate-mixture class. Nitrate-mixture explosives are not ordinarily required to pass a test. The local Government, however, or the authorized officer granting the import license under Rules 20 and 21 of the rules to regulate the transport and importation of explosives published with this Notification may in any particular case or class of cases require that a sample of the explosive which is to be imported be sent first to the Chemical Examiner for an analysis of its constituent parts.

Class 3.—Nitro-compound class. It is for explosives of this class that testing is chiefly required in respect to the purity of their composition and their liability to liquefaction or exudation. The tests prescribed for Nitro-compound explosives are contained in Schedule A attached to this rule.

Class 4.—Chlorite-mixture classs. See Schedule A for remarks regarding the testing of this class (a).

Class 5.—Fulminate class. No test has been laid down for explosives of the Fulminate class (a).

Class 6.—Ammunition class. No test is required for explosives of the 1st Division of this class. If the substances of which explosives of the 2nd and 3rd Divisions are composed have to be tested under the preceding rules, they will be equally liable to be tested when enclosed in any case or contrivance and thus falling under the Ammunition class.

Class 7.—Firework class. Explosives of this class are not required to pass a test.

SCHEDULE A.

Heat Test as applied to Explosives of the Nitro-compound Class.

GENERAL INSTRUCTIONS.

Apparatus required.

1. A water bath, consisting of a spherical glass or copper vessel [(*a*) Fig. 1] of about 8 inches diameter, and with an aperture of about 5 inches; the bath is filled with water to within a quarter of an inch of the edge. It has a loose cover of sheet copper about 6 inches in diameter (*b*), and rests on a tripod stand about 14 inches high (*c*), which is covered with coarse iron wire gauze (*e*), and is surrounded with a screen of thin sheet tin or copper (*d*). Within the latter is placed an Argand burner (*f*) with glass chimney. The

(a) Licenses are not at present given for the importation into British India of any explosives of these classes.

cover (*b*) has four holes arranged as seen in Fig. II, No. 4 to receive the regulator, No. 3 the thermometer, Nos. 1 and 2 the test-tubes containing the gun-cotton or other materials to be tested. Around holes 1 and 2 on the underside of the cover are soldered three pieces of brass wire with points slightly converging (Fig. III); these act as springs and allow the test-tubes to be easily placed in position and removed.

Fig. I.

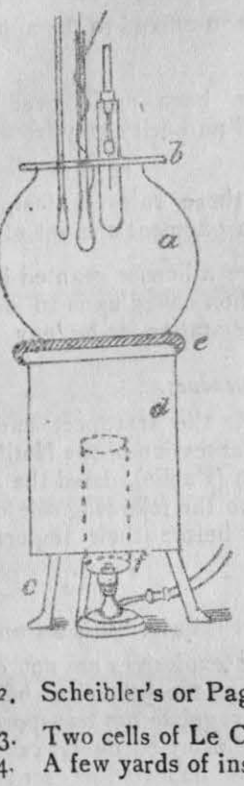


Fig. II.

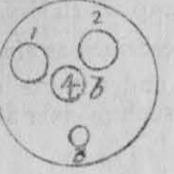


Fig. III.



Fig IV.



* 2. Scheibler's or Page's temperature regulator.

* 3. Two cells of Le Clanché's battery No. 1 } if Scheibler's regulator is used.
* 4. A few yards of insulated copper wire }

5. Test-tubes from $5\frac{1}{4}$ to $5\frac{1}{2}$ inches long, and of such diameter that they will hold from 20 to 22 cubic centimetres of water when filled to a height of 5 inches.

6. India-rubber stoppers, fitting the test-tubes and carrying an arrangement for holding the test-paper, *viz.*, a narrow glass tube passing through the centre of the stopper drawn out so as to form a hook, or terminating in a platinum wire hook (Fig. IV).

7. A thermometer, with range not less than from 30° to 212° Fahrenheit.

8. A minute clock.

Materials required.

(*a*) *Test-paper.*—The test-paper is prepared as follows :—45 grains of white maize starch (cornflour), previously washed with cold water, are added to $8\frac{1}{2}$ ounces of distilled water, the mixture is stirred, heated to boiling, and kept gently boiling for 10 minutes; 15 grains of pure potassium iodide (*i.e.*, which has been re-crystallized from alcohol) are dissolved in $8\frac{1}{2}$ ounces of distilled water. The two solutions are thoroughly mixed and allowed to get cold. Strips, or sheets, of best white English filter paper, weighing, air dry, from 4·1 to 4·6 grammes per 100 square inches, previously washed with water and re-dried, are dipped into the solution thus prepared, weighing, air dry, about 6·5 grammes per 100 square inches, and allowed to remain in it for not less than 10 seconds; they are then allowed to drain and dry in a place free from laboratory fumes and dust. The upper and lower margins of the strips, or sheets, are cut off, and the paper is preserved in well-stoppered or cork bottles *and in the dark.*† The dimensions of the pieces of test-paper used are about $\frac{4}{10}$ inch by $\frac{8}{10}$ inch (10 mm. by 20 mm).

*This is not absolutely required, as the temperature of the bath can be kept constant by proper attention to the heating flame.

† When a paper is freshly prepared, and as long as it remains in good condition, a drop of dilute acetic acid, put on the paper with a glass rod, produces no coloration. In process of time, however, the stronger the light to which the paper is exposed, the sooner a drop of acid produces a brown or bluish coloration (a single hour of direct sunlight produces a marked effect), and whenever this is the case the paper should be rejected. After preparation the paper should be kept in the dark for a month before being taken into use. After that, if carefully kept in the dark, it will remain good for six mouths or more, but should be tested from time to time as above.

(*b*) *Standard tint paper.*—A solution of caramel in water is made of such concentration that when diluted one hundred times (10 cc. made up to 1 litre) the tint of this diluted solution equals the tint produced by the Nessler test in 100 cc. water containing 0·000075 grm. of ammonia or 0·00023505 grm. of chloride of ammonium. With this caramel solution lines are drawn on strips of white filter paper* by means of a clean quill pen. When the marks thus produced are dry the paper is cut into pieces of the same size as the test-paper previously described, in such a way that each piece has a brown line across it near the middle of its length, and only such strips are preserved in which the brown line has a breadth varying from ½ mm. to 1mm. ($\frac{1}{50}$ of an inch to $\frac{1}{25}$ of an inch).

I.—Testing Dynamite, Blasting Gelatine, and other Explosives of the First Division of the Nitro-compound class.

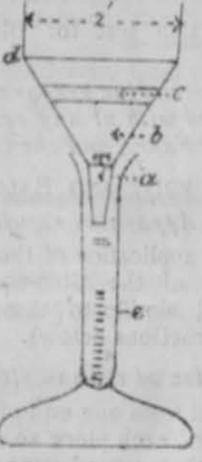
A.—DYNAMITE, ETC., ETC.

Nitro-Glycerine preparations, from which the nitro-glycerine can be extracted in the manner described below, *must* satisfy the following test.

This test, however, though at present looked upon as the most important, as far as testing the purity of the nitro-glycerine is concerned, is in England only one of several which any given sample of nitro-glycerine preparation has to satisfy in order to establish its compliance with the definition in the Authorised List.

Apparatus required.

A funnel 2 inches across (*d*), a cylindrical measure divided into grains (*e*). (See sketch.)



Mode of operation.

About 300 to 400 grains of dynamite (*b*) finely divided are placed into the funnel which has previously been loosely plugged by some freshly-ignited asbestos (*a*).

The surface is smoothed by means of a flat-headed glass rod or stopper, and some clean washed and dried Kieselguhr (*c*) is spread over it to the depth of about ½ inch.

Water is next carefully dropped from a wash bottle upon this Kieselguhr, and when the first portion has been soaked up more is added; this is repeated until sufficient nitro-glycerine has been collected in the graduated measure (*e*) below.

If any water should have passed through with the nitro-glycerine, it should be removed with a piece of blotting paper, and the nitro-glycerine, if necessary, filtered through a dry paper filter.

Application of the Test.

The thermometer is fixed so as to be inserted through the lid of the water bath described under I, into the water (which is to be steadily maintained at a temperature of 160° Fahr.†) to a depth of 2¾ inches. Fifty grains of nitro-glycerine to be tested are weighed into a test-tube in such a way as not to soil the sides of the tube. A test-paper

*This paper must be carefully washed with distilled water in the first instance to remove any traces of bleaching matter, and dried.

† For explosives supplied for His Majesty's Military and Naval Services the temperature is fixed by the War Office at 180°.

is fixed on the hook of the glass rod so that when inserted into the tube it will be in a vertical position. A sufficient amount of a mixture of half distilled water and half glycerine to moisten the upper half of the paper is now applied to the upper edge of the test-paper by means of a camel's-hair pencil, the cork carrying the rod and paper is fixed into the test-tube and the position of the paper adjusted, so that its lower edge is about half-way down the tube; the latter is then inserted through one of the perforations of the cover to such a depth that the lower margin of the moistened part of the paper is about five-eighths of an inch above the surface of the cover. The test is complete when the faint brown line, which after a time makes its appearance at the line of boundary between the dry and moist part of the paper, equals in tint the brown line of the standard tint paper.

The nitro-glycerine under examination will not be considered to have satisfied the test unless the time necessary to produce the standard tint as above described is at least 15 minutes.

B.—BLASTING GELATINE, GELATINE DYNAMITE, AND ANALOGOUS PREPARATIONS.

Fifty (50) grains of blasting gelatine are to be intimately incorporated with one hundred (100) grains of French chalk.* The mixture is to be gradually introduced into a test-tube of the dimensions prescribed above for the dynamite heat test, with the aid of gentle tapping upon the table, between the introduction of successive portions of the mixture into the tube, so that when the tube contains all the mixture it shall be filled to the extent of 1¾ inches (one inch and three quarters) of its height. The test-paper is then to be inserted and the heat is to be applied in the manner prescribed above for the dynamite heat test, and the sample tested is to withstand exposure to 160° Fahr. for a period of ten (10) minutes, before producing a discoloration of the test-papers corresponding in tint to the standard colour test which is employed for governing the results of the dynamite heat test.

(For Exudation and Liquefaction test for Blasting Gelatine, etc., etc., *see* Appendix.)

N. B.—Non-glutinized nitro-glycerine preparations from which the nitro-glycerine cannot be expelled b water, are tested with ut any previous separation of the ingredients, the temperature being as above (160° Fahr.) and the time being seven (7) minutes.

C.—CORDITE AND BALLISTITE.

1. *Apparatus required.*

The appartus necessary for the application of the heat test to cordite is identical with that described above for explosives of the nitro-compound class generally† with the addition of mill and a nest of sieves‡ similar to those used at Waltham Abbey for preparing the cordite for testing (*see* iustructions below).

2. *Preparation of the sample to be tested.*

Pieces half an inch long are cut from one end of every stick selected for the test; in the case of the thicker cordites, each piece so cut is further sub-divided into about four portions. These cut pieces are then passed once through the mill, the first portion of material which passes through being rejected on account of the possible presence of foreign matter from the mill. The ground material is put on the top sieve of the nest of sieves and sifted. The portion which has passed through the top sieve and been stopped by the second is taken for the test. If the mill is properly set the greater portion of the ground material will be of the proper size.

If the volatile matter in the explosive exceed 0·5 per cent. the sifted material should be dried at a temperature not exceeding 140° Fahr. until the proportion does not exceed 0·5 per cent.

---

* This can be readly effected by carefully working the two materials together with a wooden pestle in a wooden mortar.

The French chalk should be of good commercial quality, and, after being carefully washed with distilled water and dried in a water oven, it should be exposed under a bell jar to moist air until it has taken up about 0·5 per cent. of moisture. It should then be bottled for use; and with ordinary care the limits of 0·5 per cent. can be maintained in keeping.

† In the Waltham Abbey apparatus the cover (Fig. II) has all the holes around the circumference instead of having one in the centre and three around the circumference.

‡ A nest of two sieves with the holes drilled in sheet copper. The holes in the top sieve have a diameter = 14 B. W. G.; those in the second=21 B. W. G.

If too hard for the mill, it may be softened by exposure to the vapour of acetone, or reduced to the necessary degree of sub-division by means of a sharp moderately coarse rasp. Should it have become too soft in the acetone vapour for the mill, it should be cut up into small pieces which may be brought to any desired degree of hardness by simple exposure to air.

Explosives which consist partly of gelatinized collodion cotton and partly of ungelatinized gun-cotton are best reduced to powder by a rasp, or softened by expasure to mixed other and alcohol vapour at a temperature of 90° to 100° Fahr.

After each sample has been ground, the mill must be taken to pieces and carefully cleaned.

3. *Application of the Test.*

The thermometer is fixed so as to be inserted through the lid of the water bath described under 1, so as to be immersed in the water to a depth of 2¾ inches. The water is maintained at a constant temperature of 180° Fahr. When this temperature is reached 25 grains of the sifted cordite are put into one of the test-tubes and collected at the bottom by gentle tapping. A test paper is fixed on to the hook of the glass rod, so that when inserted into the tube, it will be in a vertical position. A mixture of equal parts of distilled water and pure glycerine (Price's) is now applied to the upper edge of the test paper by means of a camel's hair pencil, in sufficient amount to moisten the upper half; the stopper carrying the rod and paper is fixed into the test-tube and the position of the paper adjusted so that its lower edge is about half-way down the tube; the latter is then inserted through one of the perforations of the cover to the same depth as the thermometer. The lower margin of the moistened part of the paper should then be about five-eighths of an inch above the surface of the cover. The test is completed when the faint brown line, which after a time makes its appearance at the margin between the wet and dry portions of the test-papers, equal in depth of tint the brown line drawn on the standard tint paper.

4. The time which elapses between the insertion of the test-tube and the completion of the test must not be less than 15 minutes.

N. B.—In the case of ballistite the treatment is the same, except that when it is in a very finely granulated condition it need not be cut up.

II.—Testing Gun-cotton, Schultz's Gun Powder, E. C. Powder, and other explosives of the 2nd division of the Nitro-compound class.

A.—COMPRESSED NITRO-CELLULOSE, TONITE, ETC., ETC.

Sufficient material to serve for two or more tests is removed from the centre of the cartridge by gentle scraping, and, if necessary, further reduced by rubbing through a sieve with a clean hard brush.

The fine powder thus produced is spread out in a thin layer upon a paper tray 6 inches by 4½ inches, which is then placed outside a water oven, kept, as nearly as possible, at 120° Fahr.

The wire gauze shelves in the oven should be about 3 inches apart. The sample is allowed to remain at rest for 15 minutes in the oven, the door of which is left wide open.

After the lapse of 15 minutes the tray is removed and exposed to the air of the room for two hours, the sample being at some point within that time rubbed upon the tray with a brush, in order to reduce it to a fine and uniform state of division.

Application of the Test.

The cover of the water bath is fitted with the gas regulator which is inserted through the centre hole (No. 4). The thermometer is fixed into hole No. 3. The water in the bath is then heated to 170° Fahr., and the regulator set to maintain that temperature. Twentyh grains of the sample to be tested are weighed out, placed in the test-tube, and gently pressed down until the specimen occupies a space of not more than 1$\frac{7}{8}$ inches in a test-tube of the dimensions specified. A test-paper is affixed to the hook of the glass rod or tube, and moistened by touching the upper edge with a drop of distilled water containing 50 per cent. of Price's glycerine. The quantity of liquid used must be only sufficient to moisten about half of the paper. The cork carrying the rod and test-paper is then fixed into the test-tube, and the latter inserted into a bath to a depth of 2½ inches, measured from the cover, the regulator and thermometer being inserted to the same depth. The test-paper is to be kept near the top of the test-tube, but clear of the cork, until the tube has been immersed for about five minutes. A ring of moisture will about this time be deposited upon the sides of the test-tube a little above the cover of the bath; the glass rod must then be lowered until the lower margin of the moistened part of the paper is on a level with the bottom of the ring of moisture in the tube; the paper is now closely watched. The test is complete when the faint brown line which makes its appearance at the line of boundary between the dry and most parts of the paper, equals in tint the brown line of the standard tint paper.

The interval of time between the first insertion of the tube containing the sample of gun-cotton in the water at 170° and the production of the standard tint constitutes the test and this interval of time must be *not less* than 10 minutes, or the sample will not be considered to have satisfied the test.

B.—GELATINIZED AND SEMI-GELATINIZED NITRO-CELLULOSE PREPARATIONS.*

Twenty-five grains introduced into the test-tube* of the dimensions prescribed for the dynamite heat test, then proceed as for Blasting Gelatine, etc., taking the temperature at 180° Fahr., and the time as 15 minutes.

C.—NITRO-CELLULOSE NOT INCLUDED IN A. OR B., SCHULTZ'S POWDER, E. C. POWDER, ETC., ETC.

Sufficient of the sample, without further mechanical division, is dried in the oven as above, and then exposed for two hours to the air. The test as directed above for Compressed Nitro-Cellulose, etc., is then applied, the minimum duration of test being the same, *viz.*, 10 minutes.

D.—PICRIC ACID.

(1) The material shall contain not more than 0·3 part of mineral or non-combustible matter in 100 parts by weight of the material dried at 160° Fahr.

(2) It should not contain more than a minute trace of lead.

(3) One hundred parts of the dry material shall not contain more than 0·3 part of *total* (free and combined) sulphuric acid, of which not more than 0·1 part shall be *free* sulphuric acid.

(4) Its melting point should be between 248° and 253° Fahr.

E.—AMMONITE, BELLITE, ROBURITE, AND EXPLOSIVES OF SIMILAR COMPOSITION.

These are required to stand the same heat test as Compressed Nitro-Cellulose.

III.—Testing Chlorate Mixtures.

The material must not be too sensitive† and must show no tendency to increase in sensitiveness on keeping.

The material must contain nothing liable to reduce the chlorate.

Chlorides calculated as Potassium Chloride must not exceed 0·25 per cent.

The material must contain no free acid, or substance liable to produce free acid.

Explosives of this class containing nitro-compounds will be subject to the Heat test as if they belonged to Class III.

APPENDIX.

Exudation and Liquefaction Test for Blasting Gelatine, Gelatine Dynamite and analogous Preparations.

TEST FOR LIQUEFACTION.

A cylinder of blasting gelatine is to be cut from the cartridge to be tested, the length of the cylinder to be about equal to its diameter and the ends being cut flat.

The cylinder is to be placed on end on a flat surface without any wrapper, and secured by a pin passing vertically through its centre.

In this condition the cylinder is to be exposed for one hundred and forty-four (144) consecutive hours (six days and nights) to a temperature ranging from 85° to 90° Fahr. (inclusive), and during such exposure the cylinder shall not diminish in height by more than one-fourth of its original height, and the upper cut surface shall retain its flatness and the sharpness of its edge.

Note.—If the blasting gelatine and the gelatine dynamite to be tested be not made up in a cylindrical form, the above test is to be applied with the necessary modifications.

* If in a compressed form, it should be broken up in the same manner as cordite and ballistite.

† They will be considered too sensitive if they can be exploded however partially by means of a glancing blow with a broomstick on soft wood (such as deal).

TEST FOR LIABILITY TO EXUDATION.

There shall be no separation from the general mass of the blasting gelatine or gelatine dynamite of a substance of less consistency than the bulk of the remaining portion of the materials under any conditions of storage, transport, or use, or when the material is subjected three times in succession to alternate freezing, and thawing or when subjected to the liquefaction test hereinbefore described.

B. ROBERTSON,

Offg. Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 31st May, 1907.

LONDON GAZETTE.

No. 467.—The following extracts are published for general information:

"*London Gazette,*" *dated 7th May* 1907, *pages* 3084 *to* 3086.

* * * * * * * *

INDIA OFFICE;

7th May 1907.

The King has approved of the following promotions among officers of the Indian Army, Indian Medical Service, and Indian Army Departments; and admissions to the Indian Army;

* * * * * * * *

INDIAN MEDICAL SERVICE.

Captains to be Majors.

Dated 29th January 1907.

* * * * * * * *

Clement Henry Bensley.

* * * * * * * *

John Stephenson, M.B., F.R.C.S.

* * * * * * * *

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

Simla Volunteer Rifles.

No. 478.—Robert Erskine Holland, gentleman, to be Lieutenant, *vice* Scott, transferred to the supernumerary list. Dated 1st April 1907.

In Army Department Notification No. 368 of 1907, *for* " Gerald Summer Stooks " *read* " Gerald Sumner Stooks."

A. H. BINGLEY,

Offg. Secretary to the Government of India.

Punjab Government Press, Lahore—[illegible]—750.

... be no appreciable loss from ... in the lowest part of the ... or ... of the ... to a fresh dressing, and that the ... ... (...) ... are ... excellent.

RISLEY,

Offg. Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 21st May, 1907.

LONDON GAZETTE.

No. 479.—The following extracts are published for general information :

"*London Gazette*," dated 7th May, 1907 (pages 3090, 3095).

* * * * * * * * *

INDIA OFFICE,

7th May, 1907.

The King has approved of the following promotions among officers of the Indian Army, Indian Medical Service, and in the Army Department, and admissions to the Indian Army :

* * * * * * * * *

INDIAN MEDICAL SERVICE.

Captains to be Majors.

Dated 30th January 1907.

* * * * * * * * *

Ernest Henry Hensley.

* * * * * * * * *

John Stephenson, M.B., F.R.C.S.

* * * * * * * * *

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

Simla Volunteer Rifles.

No. 478.—Robert Erskine Holland, to be Lieutenant, and to be ... to the supernumerary list. Dated 1st April 1907.

In Army Department Notification No. ..., dated ... 1907, for "Gerald Sumner Brooks" read "Gerald Sumner Brooke."

A. H. BINGLEY,

Offg. Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, JUNE 13, 1907.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED JUNE 8, 1907.

HOME DEPARTMENT.

NOTIFICATIONS.

PUBLIC.

Nos. 1269—1279.

Simla, the 3rd June, 1907.

RESOLUTION—By the Government of India, Home Department.

Certain circumstances attending the recent outbreaks of lawlessness in the Punjab and Eastern Bengal have forced upon the attention of the Government of India the deliberate efforts made by a number of newspapers, both English and Vernacular, to inflame the minds of the people, to encourage ill-will between classes, to promote active hostility to the Government, and to disturb the public tranquillity in many different ways. The Governor General in Council has no desire whatever to restrict the legitimate liberty of the Press to criticise the action of the Government, and he would be most reluctant to curtail the freedom of the many well-conducted papers because of the misbehaviour of a few disloyal journals. But he is responsible for the maintenance of law and order among a vast and heterogeneous population, and he is unable to tolerate the publication of writings which tend to arouse the disorderly elements of society and to incite them to concerted action against the Government. On these grounds he has determined that the dissemination of sedition, and the promotion of ill-will between classes must be repressed by firm and sustained action under the penal law. Accordingly, in supersession of previous orders on the subject, His Excellency in Council empowers Local Governments to institute prosecutions in consultation with their legal advisers in all cases where the law has been wilfully infringed. He hopes that the warning now given may, in great measure, avert the necessity for numerous prosecutions, but if this hope should unhappily not be realised, he relies upon the local authorities to deal with the evil effectively.

ORDER.—Ordered that a copy of this Resolution be communicated to all Local Governments and Administrations for information and guidance.

Ordered also that the Resolution be published in the *Gazette of India* for general information.

ECCLESIASTICAL.

The 7th June, 1907.

No. 248.—The Reverend G. C. Peake, a Junior Chaplain on the Bengal (Lahore) ecclesiastical establishment, is permitted to resign the service, with effect from the 11th April 1907.

No. 250.—The following are substituted for rules I and XXI (*b*) (2), (3) and (4) in part IV of the ecclesiastical rules published with the notification in the Home Department, No. 178, dated the 21st May 1897:

Rule I.—All State charges for churches (except those referred to in rule XXI (*b*) (2) which are debitable to "23—Ecclesiastical") in civil, military or State railway stations are provided from Public Works funds from the ordinary grant for Imperial Works under "45—Civil Works."

Rule XXI (*b*) (2).—In such cases the plans and specifications shall be submitted to the Executive Engineer for the approval of the proper officers in the Public Works Department, who shall sanction them on satisfying themselves that they are safe and suitable and can be executed for the estimated amount. The construction of the building may then be left to the managers or trustees of the private contributions raised, with whom must rest the responsibility for excess, if any, over the amount of this sanctioned estimate. The grant-in-aid will be paid by the Civil Department on the certificate of the Executive Engineer, *vide* rule XXI (*b*) (3) below, and adjusted as a civil charge under the head "23—Ecclesiastical" as stated in rule I above.

Rule XXI (*b*) (3).—In such cases the grant will ordinarily not be paid in full by the civil account officer until the Executive Engineer has certified that the building has been completed in accordance with the sanctioned plans and specifications, and the trust deed referred to in clause (4) below, where required, has been duly executed; but the Executive Engineer may authorize advances out of the sanctioned grant on receiving sufficient proof that the building is proceeding satisfactorily, and on the managers or trustees certifying that all subscriptions relied on in support of the application for the grant have been paid up in full or guaranteed by sufficient security.

Rule XXI (*b*) (4).—When a grant is made under clause (*b*) of this rule for a church intended partly for the use of non-official residents and others for whom grants are not admissible under these rules, there shall be a trust deed, duly executed by the Chief Magistrate of the district in which the church is situated and the chaplain, and registered,—(1) declaring that the building is granted in trust for Church purposes only: (2) giving to Government a prior lien on the building for the recovery of the grant in the event of the former being diverted to other purposes: (3) providing for the legal ownership of the building: and (4) indicating sufficient sources for its proper maintenance.

H. H. RISLEY,

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 4th June, 1907.

No 88.—Mr. W. H. Scott, Examiner of Accounts, is transferred temporarily from the office of the Examiner of Accounts, North-Western Railway, to that of the Examiner of Public Works Accounts, Punjab.

The 7th June, 1907.

No. 91.—The following promotions and reversions are ordered in the superior Accounts Branch:

Name.	From	To	Nature of promotion.	With effect from
* * *	* * *	* * *	* *	* *
Mr. L. S. Deane ...	Deputy Examiner, Class II, temporary.	Deputy Examiner, Class I	Temporary ...	17th March.
* * *	* * *	* * *	* *	* *

E. M. JACOB,

Secretary to the Government of India.

FINANCE DEPARTMENT.

NOTIFICATION.

No. 3543-*Ex.*

Simla, the 7th June, 1907.

RESOLUTION—By the Government of India, Finance Department.

The rules and orders regarding exchange compensation allowance promulgated with the Resolutions by the Government of India in the Finance and Commerce Department, No. 2422-Ex., dated the 31st May 1897, and No. 3692-Ex., dated the 22nd August 1898, provide that a European appointed in England is entitled to the allowance unless his salary is fixed in sterling, or unless he is specifically excluded from it by the terms of his engagement. His Excellency the Governor General in Council is now pleased to direct that henceforth no person appointed under a written contract in England shall be entitled to exchange compensation allowance unless he is explicitly admitted thereto under the terms of the contract or unless the appointment which he holds gives him a claim to the allowance under any general rule or decision of the Government of India. The rules hitherto in force should be modified accordingly.

ORDERED that the Resolution be published in the *Gazette of India*, and that it be circulated to all Local Governments and Administrations, to all Departments of the Government of India (including the Military Finance Branch), to Heads of Departments subordinate to the Finance Department, and to all Accountants-General and Comptrollers.

J. S. MESTON,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATIONS.

EMIGRATION.

Simla, the 7th June, 1907.

No. 4872—52.—In exercise of the powers conferred by section 80 of the Indian Emigration Act, 1883 (XXI of 1883), the Governor General in Council is pleased to direct that the following amendments shall be made in Rules 11 and 12 of the Rules published with the Notification of the Government of India in the Department of Revenue and Agriculture, No. 94 E., dated the 18th March 1886, as subsequently amended, namely:

(1) In Rule 11 for the words "an Assistant District Superintendent" and the words "an Assistant Superintendent," the words "a Deputy Superintendent" shall be substituted.

(2) In Rule 12 after the word "Assistant" the words "or Deputy" shall be inserted.

CUSTOMS.

The 7th June, 1907.

No. 4902—62.—In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to prohibit the bringing by sea or by land into Aden of any goods specified in the annexed schedule except such as are imported under cover of an export pass-note issued in respect of them by an officer of Customs at the place of export.

Schedule.

Ostrich eggs.

2. Heads, horns, skins, feathers or flesh of any of the undermentioned animals:

(1) Zebra.

(2) Giraffe.

(3) Eland.

(4) White-tailed gnu.

(5) Wild ass.

(6) Buffalo.

(7) Elephant.

(8) Vulture.

(9) Secretary-Bird.

(10) Owl.

(11) Rhinoceros-bird or beef eater (*Buphaga*), any species.

(12) Ostrich.

(13) Rhinoceros.

(14) All Antelopes and Gazelles.

(15) Cheetah (*Cynoelurus*).

(16) Aard-wolf.

(17) Smaller monkeys of each species.

(18) Marabous.

(19) Egret.

(20) Wild pig.

(21) Smaller cats.

(22) Warthog (*Phacocharus*).

(23) Greater Bustard.

POST OFFICE.

The 7th June, 1907.

No. 4895—261.—*Erratum*.—In rule 66 of the revised rules published with the notification in this Department, No. 4683—261, dated the 31st May 1907, for "*rule 64*" read "*rule 65*."

J. CAMPBELL,

Under-Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 7th June, 1907.

FURLOUGH AND LEAVE.

No. 500.—Major A. A. M. M. Faulknor, Cantonment Magistrates' Department, has been granted three months' privilege leave, combined with furlough out of India for one year and nine months in continuation, with effect from the 3rd July 1907.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

Punjab Light Horse.

No. 509.—Captain William Henry Swales resigns his commission and is permitted on retirement, to retain his rank and to wear the uniform of his corps. Dated 24th May 1907.

Simla Volunteer Rifles.

No. 510.—Oswald Ryle Horwood, gentleman, to be Second-Lieutenant, *vice* Rogers, transferred to the supernumerary list. Dated 1st April 1907.

A. H. BINGLEY,

Offg. Secretary to the Government of India.

Punjab Government Press, Lahore—13-6-07—750.

Government Gazette
PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, JUNE 20, 1907.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED JUNE 15, 1907.

HOME DEPARTMENT.

NOTIFICATION.

MEDICAL.

Simla, the 14th June, 1907.

No. 503.—The services of Captain C. E. Southon, M. B., I.M.S., are placed temporarily at the disposal of the Government of the Punjab for employment on plague duty with effect from the 13th December 1906.

H. H. RISLEY,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATIONS.

TELEGRAPHS.

Simla, the 13th June, 1907.

No. 5147—129.—In exercise of the powers conferred by Section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Governor General in Council is pleased to direct that the following amendment shall be made in the rules published with the notification of the Government of India in the Public Works Department, No. 298-Telegraphs, dated the 22nd September 1904, namely:

In Rule 44 *for* "*i.e.*, four months," *substitute* "(Rule 135)."

POST OFFICE.

GENERAL MATTERS.

The 13th June, 1907.

No. 4964—68.—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), the Governor General in Council is pleased to direct that the following rule shall be substituted for rule 136 of the rules published with the notification of the Government of India in the Finance and Commerce Department, No. S. R. 1429-C., dated the 30th March 1899:

136. Official correspondence transmitted by the foreign post, with the exception of correspondence exchanged with Ceylon, shall be subject to the same rates and be gov-

erned by the same rules as ordinary private correspondence. Service stamps may be used on official correspondence addressed to the United Kingdom or British possessions only. If service stamps are used for the prepayment of postage, they shall be supported by superscription and signature prescribed by clause (3) of rule 132 relating to inland official postal articles.

B. ROBERTSON,

Offg. Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 14th June, 1907.

CANTONMENTS.

REGULATIONS.

No. 518.—The following draft of a notification which it is proposed to issue in exercise of the powers conferred by section 26 of the Cantonments Act, 1889 (XIII of 1889), is published, as required by section 27, sub-section (1), of the said Act, for the information of persons likely to be affected thereby, and notice is given that the draft will be taken into consideration by the Governor General in Council on or after the 15th July 1907.

Any objection or suggestion which may be received from any person with respect to the draft before the date fixed as aforesaid will be considered by the Governor-General in Council.

Draft Notification

In exercise of the powers conferred by section 26 of the Cantonments Act, 1889 (XIII of 1889), the Governor General in Council is pleased to direct that section 37, sub-section (1), of the Cantonment Code, 1899, shall be modified as follows :—

After the words " fifty rupees " *insert* " or, if the Officer Commanding the Division, with the previous concurrence of the Accountant-General, so directs, a sum not exceeding two hundred rupees. "

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

1st Punjab Volunteer Rifles.

No. 533.—Joseph Ralph Cornah, gentleman, to be Second-Lieutenant, *vice* Wyatt, promoted. Dated 15th May 1907.

Second-Lieutenant Robert William Hodges (Supernumerary List), resign his commission. Dated 20th May 1907.

A. H. BINGLEY

Offg. Secretary to the Government of India.

Punjab Government Press, Lahore— 20-6-07—790.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, JUNE 27, 1907.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED JUNE 22, 1907.

HOME DEPARTMENT.

NOTIFICATION.

ARCHÆOLOGY AND EPIGRAPHY.

Simla, the 20th June, 1907.

No. 221.—Dr. J. Ph. Vogel, Superintendent, Archæological Department, Northern Circle, is granted privilege leave for three months, with effect from the forenoon of the 4th April 1907.

H. A. STUART,

Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 15th June, 1907.

No. 93.—Mr. T. A. M. Brownlie, Covenanted Temporary Engineer, Military Works Services, whose services have been transferred in the same capacity to the Public Works Department, is posted to the Punjab Irrigation Branch.

L. M. JACOB,

Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATION.

Simla, the 21st June, 1907.

No. 2267 *E. C.*—In supersession of the notification of the Government of India in the Foreign Department, No. 85 E., dated the 13th January 1888, the following revised rules,* for observance by all persons other than those who by nationality are either Indians or Tibetans who are now, or may be hereafter, in the territory of His Highness the Maharaja of Jammu and Kashmir, which have been drawn up with the consent of His Highness the Maharaja, and have received the sanction of the Governor General in Council, are published for information :

*Note.—Copies of these rules can be obtained from the Resident in Kashmir.

I. (1) Military or civil officers of the British Government may at any time, and without passes, visit and reside in the territories of His Highness the Maharaja of Jammu and Kashmir, subject to such limit† in number as the Government of India, with the concurrence of His Highness the Maharaja, may prescribe, and subject also, in the case of Military officers, to the military regulations or orders for the time being in force.

† At present there is no limit.

(2) All other persons who are not by nationality Indians or Tibetans wishing to visit or reside in the said territories, require passes, which may be granted (in the Form A annexed) by the Resident in Kashmir.

II. Information as to the usual routes for entering and leaving Kashmir may be obtained from the Assistant Resident. The route *viâ* Jammu and Banihal is private, and may not be used except with the special permission of His Highness the Maharaja obtained through the Resident.

III. Persons subject to these rules are not allowed to travel from Kashmir to Simla (or *vice versâ*) across the hills, or to the plains (or *vice versâ*) *viâ* Kishtwar, Bhadarwa and Chamba, except with the special permission of His Highness the Maharaja obtained through the Resident.

IV. No requests should be preferred to the ordinary officials of His Highness the Maharaja, except in real emergencies. An officer of the Darbar is appointed by His Highness the Maharaja to attend the wants of the European community at Srinagar, and application may be made to him for assistance in petty matters. All payments must be made at the rates demanded, which, if deemed exorbitant, can be reported to the Resident in Kashmir.

V. Complaints should be preferred, with statements of the circumstances, to the Resident in Kashmir.

VI. No present may be accepted from His Highness the Maharaja or his officers.

VII. Persons subject to these rules who may be desirous of paying their respects to His Highness the Maharaja can be introduced by the Resident on suitable occasions; and all arrangements for official visits to Jammu or Srinagar should be made through the Resident.

VIII. The customs and regulations of His Highness the Maharaja's territory should be carefully observed by persons subject to these rules and by their servants.

IX. When attending evening entertainments given by His Highness the Maharaja, military officers should wear, subject to the military regulations or orders for the time being in force, either uniform or evening dress; and other visitors or residents should wear evening dress.

X. The resident may from time to time, with the concurrence of His Highness the Maharaja, prescribe limits of travel beyond which no one will be allowed to go, unless supplied with a special pass obtained from the Resident.

XI. Rules may from time to time be made by the Resident, with the concurrence of His Highness the Maharaja, regarding the routes for entering, leaving, and travelling in Kashmir, the rates to be paid for coolies, transport, supplies and other minor matters.

XII. The Resident in Kashmir is authorised to require any person subject to these rules, who breaks any of them, to leave the territories of His Highness the Maharaja of Jammu and Kashmir. If any such requisition on the part of the Resident is not at once complied with, the matter will be reported by him for the orders of the Governor General in Council.

A

Pass No. of 19 .

of is permitted to travel *or* reside } in the territories of His Highness the Maharaja of Jammu and Kashmir from the to the 19 , subject to the conditions noted on the back of this pass.

This pass may be cancelled or withdrawn at any time, and it requires renewal at the end of the period for which it is current.

(Sd.)

Resident in Kashmir.

CONDITIONS.

I agree to conform to the rules prescribed by the Government of India for observance by persons other than those who by nationality are either Indians or Tibetans in the territories of His Highness the Maharaja of Jammu and Kashmir. I will return this pass to the office of the Resident in Kashmir at the end of the period for which it is current.

(Sd.)

L. W. DANE,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATION

POST OFFICE.

GENERAL MATTERS.

Simla, the 17th June, 1907.

No. 5196—190.—In exercise of the powers conferred by section 36 of the Indian Post Office Act, 1898 (VI of 1898), the Governor General in Council is pleased to direct that the following rule shall be substituted for rule 62 of the rules published with the notification of the Government of India in the Department of Finance and Commerce, No. 1429 C. S. R., dated the 30th March 1899, as amended by the notification in the Department of Commerce and Industry, No. 2648 C., dated the 9th June 1905:

62. Where an insured foreign letter which has been redirected, or an insured foreign parcel which has been redirected or returned as undeliverable, is received in India subject to a fresh insurance fee by reason of its having been so redirected or returned, such fee shall be recoverable on delivery as if it were postage due under the Act.

B. ROBERTSON,

Offg. Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 21st June, 1907.

JUDICIAL.

No. 553.—In exercise of the powers conferred by section 26 of the Cantonments Act, 1889 (XIII of 1889), the Governor General in Council is pleased to direct that, for section 57 of the Cantonment Code, 1899, the following shall be substituted, namely—

Abstract Statements of Estimated and Actual Income and Expenditure.

57. The Officer Commanding the Division shall forward to the Government of India in the Army Department, through the Quarter-Master-General in India, and to the Local Government—

(*a*) on receiving the sanction of the Local Government to the Budget estimate for the several cantonment funds in his division, an abstract statement of the estimated income and expenditure from all such funds; and

(*b*) as soon as possible after the close of each financial year, a statement showing under the several heads and sub-heads of receipt and expenditure set forth in form 8, schedule 1, the actual income and expenditure of each of the cantonment funds in his division for the preceding financial year, together with a certificate showing that the closing cash balance of each fund as shown in the annual account prescribed by section 52 has been compared with the balance as shown in the treasury pass book and found to be correct.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

Simla Volunteer Rifles.

No. 566.—Lieutenant Henry Pepper to be Captain, *vice* Lennox resigned. Dated 1st April 1907.

A. H. BINGLEY,

Offg. Secretary to the Government of India.

DIRECTOR-GENERAL, INDIAN MEDICAL SERVICE.

NOTIFICATION.

Simla, the 12th June, 1907.

No. 26.—The services of 3rd class Assistant Surgeon William Dudley Salt, of the Indian Subordinate Medical Department, are placed at the disposal of the Punjab Government for civil employment in that Province, with effect from the afternoon of the 15th February 1907.

G. BOMFORD, M. D., SURGEON-GENL.,

Director-General, Indian Medical Service.

Punjab Government Press, Lahore—27-6-07—750.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, JULY 4, 1907.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA" EXTRAORDINARY, DATED JULY 3, 1907.

FINANCE DEPARTMENT.

NOTIFICATION.

ACCOUNTS AND FINANCE.

PUBLIC DEBT.

No. 4155-A.

Calcutta, the 3rd July, 1907.

THREE-AND-A-HALF PER CENT. LOAN.

His Excellency the Right Honourable the Governor General in Council has resolved to borrow two hundred and fifty lakhs of rupees for the public service in the following manner :,

2. Promissory Notes will be issued for the said amount in the Form annexed to this Notification, being the form of the notes of *the Three-and-a-half Per Cent. Loan of 1900-01*, of which loan the notes to be now issued will form a part. All the conditions which apply to notes of *the Three-and-a-half Per Cent. Loan of 1900-01* will apply to the notes to be now issued. The interest on the notes of that loan is payable half-yearly on the 30th day of June and the 31st day of December; and the notes are not liable to discharge before the 31st day of December 1920.

Tenders.

3. Tenders for the whole or any part of the said amount of Rs. 2,50,00,000 will be received by the Comptroller General from this date to noon, standard time,* of Wednesday, the 17th July, 1907. Tenders must be for sums of 100 Rupees or multiples of that sum.

4. Each tender must be addressed, in the form annexed to this Notification, to the Comptroller General, Calcutta, and enclosed in a closed cover, superscribed "*Tender for the Three-and-a-half Per Cent. Loan.*" If the tenderer is not resident in India, he must name an agent resident in India to whom an allotment-certificate may be issued, if any part of the loan is allotted to such tenderer.

NOTE (1).—Tenders made in accordance with these instructions will also be received by the Accountants General at Madras, Bombay, Allahabad, Lahore, and Rangoon on account of the Comptroller General, Calcutta, on the 16th July, and up to noon, standard time,* on the 17th July; provided that—

(*a*) they are delivered personally or by clerk or messenger at the Accountant General's Office (where a receipt will be given for them);

(*b*) they are made on printed forms, to be obtained at the same office or at the local Presidency Bank;

(*c*) each tender is for not less than Rs. 10,000;

(*d*) the deposit is either a Promissory Note or a Treasury Receipt from the local office of the Presidency Bank, or a cheque on a local Bank in favour of the Accountant General;

(*e*) the amount of the tender is made payable at the place of tender (Madras, Bombay, Allahabad, Lahore or Rangoon) as the case may be, or in Calcutta;

and the Accountant General will return deposits on non-accepted tenders and will issue allotment-certificates so far as the tenders are payable in Madras, Bombay, Allahabad, Lahore or Rangoon.]

* Noon, standard time, corresponds to 12-24 P. M., Calcutta time.

5. The rate at which each tender is made must be specified in rupees or rupees and annas: a tender in which no rate is thus specified, but a subscription is offered in some other terms—as, for example, at the recorded minimum, or at some specified percentage in addition to the recorded minimum, or at the average of the accepted tenders—will be rejected as null and void.

6. The rate at which a tender is made must not contain a fraction of an anna: if a rate containing a fraction of an anna is inserted in any tender, such fraction will be struck out and the tender treated as if the rate did not contain such fraction of an anna.

Deposits.

7. Each tender must be accompanied by a deposit of not less than one-hundredth or, if the tender be for less than Five Lakhs of Rupees, then for not less than one-fiftieth part of the tender. The deposit must be in one of the following forms: (*a*) a receipt for the amount from the Head Office of the Bank of Bengal, or Madras, or Bombay, or one of their Branches, or from an officer in charge of some Public Treasury, or (*b*) a cheque drawn in favour of the Comptroller General on a Bank in Calcutta, Madras, Bombay, Allahabad, Lahore or Rangoon, or (*c*) Government Promissory Notes[1] standing in the name of, or endorsed to, the tenderer or the person making the deposit.

[1] *It is particularly requested that such Promissory Notes may NOT be endorsed to the Comptroller General.*

8. (*a*) Deposits, not being Promissory Notes, will, in the case of accepted tenders, be credited proportionately in part payment of the allotment-certificates issued in respect of the tender, and will bear interest for the purpose of clause 16 below from the date of the opening of tenders. When a tender is not accepted in full, the deposits, when they are not in the form of Promissory Notes, will be credited as far as possible proportionately in part payment of the allotment-certificates issued in respect of it. If any allotment-certificate is not fully taken up, the deposit credited in respect of it will be forfeited.

(*b*) Promissory Notes deposited in respect of any accepted tender will be held until all the allotment-certificates issued in respect of the tender are paid up, and will, if the allotment-certificates are not fully taken up, be appropriated by the Government and cancelled.

Opening of Tenders.

9. The minimum rate at which tenders will be accepted will be recorded under the signature of the Comptroller General, and, before the tenders are opened, placed upon the table in a sealed envelope, but will not be declared unless some tender is rejected only because it is below the recorded minimum.

10. Tenders will be opened publicly by the Comptroller General at the Treasury Buildings, Calcutta, at noon, standard time,* on Wednesday, the 17th July next, and those received under the terms of note (1) to clause 4 will be similarly opened by the Accountants General at Madras, Bombay, Allahabad, Lahore, and Rangoon, at noon, standard time, on the same day; but the contents of the tenders will not be disclosed otherwise than as provided in clause 12.

11. Tenders at rates not below the minimum rate will be accepted in the order of the rates tendered, beginning with the highest rate. The amount allotted at the lowest rate at which tenders are accepted will be divided amongst those who have tendered at this rate in proportion, as nearly as may be found convenient, to the amounts of their tenders; provided that no allotment will be issued if the amount distributable on any tender is less than Rs. 100: preference will however be given to small tenders, not exceeding Rs. 2,000, at the lowest accepted rate, such tenders receiving allotments in full as far as possible.

Allotment-Certificates.

12. To each tenderer (or to his agent) whose tender is accepted in whole or in part, such number of allotment-certificates as may be necessary to make up the aggregate amount allotted to him will be issued by the Comptroller General[1] as soon as possible after the 17th July, and an alphabetical list of the names of those to whom such allotment-certificates are issued will be posted for general information at the Head Offices of the Banks of Bengal, Madras and Bombay, and at the Branch Offices of the Bank of Bengal at Allahabad, Lahore and Rangoon.

[1] For tenders received by the Accountant General at Madras, Bombay, Allahabad, Lahore or Rangoon, and payable at those places, the Accountant General will issue the allotment certificates.

13. If the allotment made on any tender is less than Rs. 3,000, then the whole of the allotment-certificates [after credit of the deposit under clause 8 (*a*)] will be made payable upon the 14th August.

* Noon, standard time, corresponds to 12-24 P. M., Calcutta time.

Otherwise the whole amount of each allotment will be divided into three instalments as follows:—

Instalment I.—As near as convenient to 35 per cent., but not exceeding 35 per cent., payable upon the 31st July:

Instalment II.—As near as convenient to 35 cent., but not exceeding 35 per cent., payable upon the 14th August:

Instalment III.—The balance payable upon the 10th September:

and allotment-certificates will be issued for each instalment separately.

But the whole or any part of any accepted tender may be paid at any time after receipt of the allotment-certificates.

The words "as near as convenient" refer to the necessity for making each instalment an exact multiple of Rs. 100.

14. Any allotment-certificates will, on application to the Comptroller General, be exchanged for an equivalent amount of allotment-certificates of smaller denominations; provided that if any payment (beyond the deposit) is recorded upon the cancelled certificate, it can be taken against, and recorded upon, only one of the certificates issued in exchange.

15. Payment of any allotment-certificate may be made to the account of the Government in the Head Office of the Bank of Bengal, or Madras, or Bombay, or in any Branch of these Banks, or into any Public Treasury or Treasuries in India which may be named in the tender in respect of which it was issued. Receipts for such payments will be given by the Banks of Bengal, Madras, and Bombay, or their Branches, or by the officers in charge of the Government Treasuries at which payment is made, by enfacement upon the relative certificate.

Issue of Promissory Notes.

16. (*a*) When any allotment-certificate is fully paid up, the holder will, on presenting it duly receipted at the place where it was paid, obtain from the Public Debt Office, Calcutta, Promissory Notes of such values as he may desire (each note being in even hundreds and not less than Rs. 100) bearing interest from 31st December 1907, and he will also receive interest at 3½ per cent. per annum from the dates on which he may have made payment till the 30th December 1907.

(*b*) Or he may, at his option, by paying interest at the said rate from 30th June 1907 to the dates on which he may have made payment, obtain Promissory Notes as above, bearing interest from 30th June 1907.

FORM OF PROMISSORY NOTE (see Clause 2).

Fort William, the

Promissory Note *Government Rupees* *at 3½ per cent.*

No. *of 1900-01.*

The Governor General of India in Council does hereby acknowledge to have received from

the sum of Government Rupees One Hundred only as a loan to the Secretary of State in Council for India, and does hereby promise, for and on behalf of the said Secretary of State in Council, to repay the said loan by paying the said sum of Government Rupees One Hundred only to the said
, his Executors, or Administrators, or his or their Order, on demand, at the General Treasury, at Fort William, after the expiration of Three Months' Notice of Payment, to be given by the Governor General of India in Council, in the *Government Gazette*, and to pay the interest accruing on the said sum of Government Rupees One Hundred only from the
at the rate of three-and-a-half per cent. per annum, by half-yearly payments, at the General Treasury, at Fort William, to the said
, his Executors, or Administrators, or his or their Order, until the expiration of three months after such notice of payment as aforesaid, when the amount of interest due will be payable with the principal, and (such notice being considered as equivalent to a tender of payment at the period appointed for the discharge of this Note) all further interest shall cease.

The Governor General in Council hereby further engages that Notice of Payment as aforesaid shall not be given before the Thirtieth day of September 1920, and that this Note shall not be discharged before the Thirty-first day of December 1920.

FORM OF TENDER (see Clause 4).

I, *A. B.*, hereby tender for Rupees (X) of *the Three-and-a-half Per Cent. Loan* advertised in the Notification published in the *Gazette of India, Extraordinary*, dated the 3rd July, 1907, and agree to pay for the same, subject to the conditions notified, at the rate of Rupees (Y) Annas (Z) for every hundred rupees allotted to me.

I enclose a *deposit receipt** for Rupees (XX), and engage, if my offer be accepted, to pay to the account of the Government at the *Bank of* † *or at the Branch of the Bank of* † *; or into the Public Treasury at* † *; as the case may be—*

* Or Cheque or Government Promissory Note.

† Here enter the name of Bank, Branch Bank, or Treasury.

The first instalment, as near as convenient to 35 per cent., but not exceeding 35 per cent., on or before the 31st July :

The second instalment, as near as convenient to 35 per cent., but not exceeding 35 per cent., on or before the 14th August :

The balance on or before the 10th September :

Or, if the amount allotted to me be less than Rs. 3,000, then the whole amount on or before the 14th August :

Any allotment made to me may be communicated to *C. D.* at ‡

‡Here insert *C. D's* address which must be in India. This paragraph should only be inserted if *A. B.* does not reside in India, or, if residing in India, he wishes the allotment communicated to an agent, or desires to pay the instalments elsewhere than at the place where the tender is submitted, and wishes the allotment-certificates to be given to an agent at that place.

NOTE.—(1) *A separate tender must be made at each rate tendered. The rate tendered should be the whole amount per centum, not the premium or discount: thus "One hundred and two" or "One hundred" or "Ninety-nine," not "Two per cent. premium" or "Par" or "One per cent. discount".*

By order of the Governor General in Council,

J. S. MESTON,

Secretary to the Government of India.

NOTIFICATION BY THE COMPTROLLER GENERAL.

The Comptroller General requests the attention of tenderers to the following arrangements :

Filling up tenders.

(1) They are requested to use only the printed forms of tender, which will be available at his Office and at the Currency Office on application to the Darwan on duty, at all the Provincial Account Offices and at the Banks of Bengal, Madras, and Bombay, and will also be supplied to the Principal Treasuries.

(2) If the deposit is in the form of Promissory Notes or of Currency Notes, their number should be quoted in detail in the tender.

Presentation of tenders.

(3) For all tenders presented to him in his office upon the last fixed day, or the two days preceding it, he will give the bearer a receipt bearing a number and initialled by himself or an assistant specially deputed for the purpose. The Accountants General at Madras, Bombay, Allahabad, Lahore, and Rangoon will do likewise in respect of tenders presented to them under Note (1) to clause 4 of the Government Notification.

Return of Deposit in case of Non-acceptance.

(4) The reverse of this receipt is a form in which, in the event of the tender not being accepted, the tenderer may give to the Comptroller General or Accountant General a receipt for the deposit accompanying it. This form should, on the third day after the opening of the tenders, be filled up, signed with the same signature as the tender, and be presented at the Office of the Comptroller General or Accountant General. The deposit will then be returned to the bearer in exchange for the receipt.

(5) Deposits upon tenders presented personally, as described in No. (3) above, will be returned only in this way, and will not be sent by post or otherwise. Deposits upon other unsuccessful tenders will be returned by post or by the hands of a clerk.

Accepted Tenders.

(6) The Comptroller General and the Accountant General at Madras, Bombay, Allahabad, Lahore or Rangoon (in the case of tenders received by such Accountant General and payable in Madras, Bombay, Allahabad, Lahore or Rangoon), will issue allotment-certificates to successful tenderers. These certificates will be for the following amounts :—Rs. 100, Rs. 300, Rs. 500, Rs. 1,000, Rs. 2,000, Rs. 5,000, Rs. 10,000, Rs. 20,000, Rs. 30,000, Rs. 35,000, Rs. 50,000, Rs. 75,000, Rs. 1,00,000, making up the full value accepted ; and the deposit on the tender will be divided among them ; they will be substantially of the following form :

This is to certify that, in accordance with the terms of Notification No. 4155-A., dated the 3rd July 1907 (Gazette of India, Extraordinary, *dated the 3rd July, 1907), the above named tenderer has engaged to take up Rs. 2,000 of the 3½ Per Cent. Loan of 1900-01 at the rate above mentioned on or before ; and that on the said payment being completed, he is entitled on endorsing and delivering up this certificate to receive a Promissory Note or Notes of the Government of India for Rs. 2,000 bearing interest from*

CALCUTTA ;

The 3rd July, 1907.

C. T. BARROW.

Comptroller and Auditor General.

FROM THE "GAZETTE OF INDIA," DATED JUNE 29, 1907.

KAISAR-I-HIND MEDAL.

NOTIFICATION.

Simla, the 28th June, 1907.

No. 1575.— * * * * * *

His Excellency the Viceroy and Governor General is pleased to award the Kaisar-i-Hind Medal for Public Service in India of the Second Class to—

MISS SARAH SECUNDA HEWLETT, of the Zenana Medical Mission, Amritsar City, Punjab.

* * * * * * *

LALA NATHU MALL, of Rawalpindi, Punjab.

* * * * * * *

H. A. STUART,

Offg. Secretary to the Government of India,

Home Department.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Simla the 24th June 1907.

No. 96.—The Right Honourable the Secretary of State for India has been pleased to sanction the construction from loan funds of a canal designated the Upper Swat River Canal in the Peshawar Valley, North-West Frontier Province.

L. M. JACOB,

Secretary to the Government of India.

FOREIGN DEPARTMENT.

ORDER OF THE STAR OF INDIA.

NOTIFICATION.

Simla, the 28th June, 1907.

No. 29 *S. I.*—His Excellency the Grand Master of the Most Exalted Order of the Star of India is pleased to announce that His Majesty the KING, EMPEROR OF INDIA, has been graciously pleased to make the following promotions in and appointments to the said Order:

* * * * * * *

To be Companions.

Raja NARENDRA CHAND of Nadaun, Kangra district, Punjab.

* * * * * * *

By Order of the Grand Master,

L. W. DANE,

Secretary to the Most Exalted Order

of the Star of India.

ORDER OF THE INDIAN EMPIRE.

NOTIFICATION.

Simla, the 28th June, 1907.

No. 64 *I. E.*—His Excellency the Grand Master of the Most Eminent Order of the Indian Empire is pleased to announce that His Majesty the KING, EMPEROR OF INDIA, has been graciously pleased to make the following appointments to and promotions in the said Order :

* * * * * * *

To be Companions.

* * * * * * *

Nawab BAHRAM KHAN, Chief of the Mazari Tribe, of the Dera Ghazi Khan district, Punjab.

* * * * * * *

THOMAS HENRY STILLINGFLEET BIDDULPH, Esquire, Accountant-General, Patiala State.

* * * * * * *

By Order of the Grand Master,

L. W. DANE,

Secretary to the Most Eminent Order of the Indian Empire.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Simla, the 28th June, 1907.

No. 2426 *I. C.*—His Excellency the Viceroy and Governor General is pleased to confer the title of Nawab, as a personal distinction, upon—

* * * * * * *

Malik Khuda Bakhsh Khan, Tiwana, Extra Assistant Commissioner, Amritsar, Punjab ; late British Agent at Kabul.

No. 2431 *I. C.*—His Excellency the Viceroy and Governor General is pleased to confer the title of Khan Bahadur, as a personal distinction, upon—

* * * * * * *

Sardar Abdul Rahman, Deputy Collector, Irrigation Department, Punjab.

Seth Adamji Mamooji, of Rawalpindi.

Sheikh Riaz Hussain, of Multan.

Sheikh Ghulam Sadiq, of Amritsar.

* * * * * * *

No. 2432 *I. C.*—His Excellency the Viceroy and Governor General is pleased to confer the title of Rai Bahadur, as a personal distinction, upon—

* * * * * * *

Lala Gopal Dass Bhandari, of Amritsar.

Lala Sham Das, of Hoshiarpur, Punjab.

* * * * * * *

No. 2435 *I. C.*—His Excellency the Viceroy and Governor General is pleased to confer the title of Khan Sahib, as a personal distinction, upon—

* * * * * * *

Mian Chanan Din, Chief Clerk, Traffic Superintendent's Office, North-Western Railway, and Honorary Assistant Traffic Superintendent.

* * * * * * *

No. 2436 *I. C.*—His Excellency the Viceroy and Governor General is pleased to confer the title of Rai Sahib, as a personal distinction, upon—

Lala Tilok Chand, Extra Assistant Commissioner, Punjab.

* * * * * * *

Lala Pindi Dass, Governor of Jammu.

* * * * * * *

L. W. DANE,

Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Simla, the 22nd June, 1907.

No. 1782 *G.*—With reference to notifications by the Government of India in the Foreign Department, Nos. 2651 G. and 2900 G., respectively, dated the 6th November and the 6th December, 1906, Lieutenant A. J. H. Grey, a Probationer for the Political Department, is temporarily attached to the Punjab Commission as a Supernumerary Assistant Commissioner, with effect from the date on which he assumes charge of his duties.

The 25th June, 1907.

No. 2379 *I. B.*—The services of Rai Sahib Narain Das, Ahluwalia, M.A., Extra Judicial Assistant Commissioner, are replaced at the disposal of the Government of the Punjab, with effect from the forenoon of the 7th June 1907.

The 27th June, 1907.

No. 2420 *I. C.*—Major O. G. Gunning, 35th Sikhs, is appointed Inspecting Officer, Punjab Imperial Service Infantry, with effect from the date of assuming charge, *vice* Major J. Hill, whose services have been replaced at the disposal of His Excellency the Commander-in-Chief.

L. W. DANE,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATION.

EMIGRATION.

Simla, the 27th June, 1907.

No. 5496-65.—The following draft of a notification which it is proposed to issue in exercise of the powers conferred by section 80 of the Indian Emigration Act, 1883 (XXI of 1883), is published, as required by section 81 of the said Act, for the information of persons likely to be affected thereby, and notice is hereby given that the draft will be taken into consideration by the Governor General in Council on or after the 22nd September 1907.

2. Any objection or suggestion, which may be received from any person with respect to the draft before the date fixed aforesaid, will be considered by the Governor General in Council.

DRAFT NOTIFICATION.

In exercise of the power conferred by section 80 of the Indian Emigration Act, 1883 (XXI of 1883), the Governor General in Council is pleased to direct that the following rule shall be inserted after rule 1 under the head "*Fittings of the upper deck*" in Sche-

dule D of the rules published with the notification of the Government of India in the Department of Revenue and Agriculture, No. 94 E., dated the 18th March 1886, as subsequently amended, namely :

1A. A separate compartment approved by the Protector of Emigrants and the Medical Inspector of Emigrants, and sufficient for at least two persons, shall be provided for the accommodation of emigrants who may become insane or violent and obstreperous during the voyage.

B. ROBERTSON,

Offg. Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 28th June, 1907.

APPOINTMENTS.

CANTONMENT MAGISTRATES' DEPARTMENT.

No. 569.—Consequent on Lieutenant-Colonel A. S. Rooke, Cantonment Magistrates' Department, having been granted three months' privilege leave, the following officiating promotions are made :

* * * * * * *

Major A. A. M. M. Faulknor, Cantonment Magistrate, 4th grade, to officiate in the 2nd grade, with staff-pay at Rs. 600 a month,

with effect from the 28th April 1907.

No. 570.—The services of Captain E. T. Carwithen, 9th Bhopal Infantry, are placed at the disposal of the Punjab Government, for employment as an officiating Cantonment Magistrate.

CANTONMENTS.

REGULATIONS.

No. 574.—The following draft of a notification, which it is proposed to issue in exercise of the powers conferred by section 26 of the Cantonments Act, 1889 (XIII of 1889), is published, as required by section 27, sub-section (1), of the said Act, for the information of persons likely to be affected thereby, and notice is given that the draft will be taken into consideration by the Governor General in Council on or after the 30th July 1907. Any objection or suggestion which may be received from any person with respect to the draft before the date fixed aforesaid will be considered by the Governor General in Council.

Draft Notification.

In exercise of the powers conferred by section 26 of the Cantonments Act, 1889 (XIII of 1889), and in modification of the notification of the Government of India in the Military Department No. 664, dated the 16th June 1899, as subsequently amended, the Governor General in Council is pleased to alter the Cantonment Code, 1899, to the extent set forth below :

In section 3 (1) (*a*) for the words " an officer " the words " a combatant officer " shall be substituted.

FURLOUGH AND LEAVE.

No. 576.—Major W. G. Hodgson, Cantonment Magistrates' Department, is granted three months' privilege leave combined with one year's furlough out of India, on urgent private affairs, with effect from the 25th June 1907. Pension service—21st year commenced, 25th August 1906.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

1st Punjab Volunteer Rifles.

No. 584.—Lieutenant James Pike Wilson (Supernumerary List) resigns his commission. Dated 13th May 1907.

Robert Sykes, gentleman, to be Second-Lieutenant to complete the establishment. Dated 14th June 1907.

A. H. BINGLEY,

Offg. Secretary to the Government of India.

POSTAL NOTICES.

In exercise of the power conferred on the Director-General of the Post Office of India by Notification No. 4683-261, dated the 31st May 1907, issued by the Governor-General in Council under the Indian Post Office Act, it is hereby notified that, on and after the date of this notification, the sender of any postal article presented at the Sialkot city post office for transmission by post as a value-payable article shall, in addition to making the usual declaration to the effect that the article is sent in execution of a *bond fide* order received by him, make the farther declaration that "the article is one the transmission of which by post as a value-payable postal article is permitted".

This further declaration shall be written by the sender of the article on the value-payable form, in continuation of the printed declaration which is already provided in the form.

In exercise of the power conferred on the Director-General of the Post Office of India by Notification No. 4683-261, dated the 31st May 1907, issued by the Governor-General in Council under the Indian Post Office Act, it is hereby notified that on and after the date of this notification, the sender of any postal article presented at the Kanak Mandi (Sialkot) post office for transmission by post as a value-payable article shall, in addition to making the usual declaration to the effect that the article is sent in execution of a *bond fide* order received by him, make the further declaration that "the article is one the transmission of which by post as a value-payable postal article is permitted".

This further declaration shall be written by the sender of the article on the value-payable form, in continuation of the printed declaration which is already provided in the form.

In exercise of the power conferred on the Director-General of the Post Office of India by Notification No. 4683-261, dated the 31st May 1907, issued by the Governor-General in Council under the Indian Post Office Act, it is hereby notified that, on and after the date of this notification, the sender of any postal article presented at the Ludhiana post office for transmission by post as a value-payable article shall, in addition to making the usual declaration to the effect that the article is sent in execution of a *bond fide* order received by him, make the further declaration that "the article is one the transmission of which by post as a value-payable postal article is permitted".

This further declaration shall be written by the sender of the article on the value-payable form, in continuation of the printed declaration which is already provided in the form.

In exercise of the power conferred on the Director-General of the Post Office of India by Notification No. 4683-261, dated the 31st May 1907, issued by the Governor-General in Council under the Indian Post Office Act, it is hereby notified that, on and after the date of this notification, the sender of any postal article presented at the Ludhiana city post office for transmission by post as a value-payable article shall, in addition to making the usual declaration to the effect that the article is sent in execution of a *bond fide* order received by him, make the further declaration that "the article is one the transmission of which by post as a value-payable postal article is permitted".

This further declaration shall be written by the sender of the article on the value-payable form, in continuation of the printed declaration which is already provided in the form.

In exercise of the power conferred on the Director-General of the Post Office of India by Notification No. 4683 261, dated the 31st May 1907, issued by the Governor-General in Council under the Indian Post Office Act, it is hereby notified that, on and after the date of this notification, the sender of any postal article presented at the Purana Bazar (Ludhiana) post office for transmission by post as a value-payable article shall, in addition to making the usual declaration to the effect that the article is sent in execution of a *bond fide* order received by him, make the further declaration that "the article is one the transmission of which by post as a value-payable postal article is permitted".

This further declaration shall be written by the sender of the article on the value-payable form, in continuation of the printed declaration which is already provided in the form.

C. STEWART-WILSON,

Director-General of the Post Office of India,

CALCUTTA:

The 27th June 1907.

Punjab Government Press, Lahore—4-7-07—750.

POSTAL NOTICE.

In exercise of the power conferred on the Director-General of the Post Office of India by [illegible] dated the [illegible] May 1907, issued by the Governor General in Council under the Indian Post Office Act, [illegible] it is hereby notified that, on and from the date of this notification, the sender of any postal article presented at the [illegible] post office for transmission by post as a value-payable article shall, in addition to the usual declaration [illegible] make the further declaration that [illegible] the transmission of which by post as a value-payable postal article is permitted".

The further declaration shall be written by the sender of the article on the value-payable form, in continuation of the printed declaration which is already provided in the [illegible]

In exercise of the power conferred on the Director-General of the Post Office of India by Notification No. [illegible] dated the [illegible] May 1907, issued by the Governor General in Council under the Indian Post Office Act, [illegible] it is hereby notified that, on and from the date of this notification, the sender of any postal article presented at the [illegible] post office for transmission by post as a value-payable article shall, in addition to making the usual declaration [illegible] received by him, make the further declaration that [illegible] the transmission of which by post as a value-payable postal article is permitted".

The further declaration shall be written by the sender of the article on the value-payable form, in continuation of the printed declaration which is already provided in the [illegible]

In exercise of the power conferred on the Director-General of the Post Office of India by Notification No. [illegible] dated the 31st May 1907, issued by the Governor General in Council under the Indian Post Office Act, [illegible] it is hereby notified that, on and from the date of this notification, the sender of any postal article presented at the [illegible] post office for transmission by post as a value-payable article shall, in addition to the usual declaration [illegible] make the further declaration that [illegible] the transmission of which by post as a value-payable postal article is permitted".

The further declaration shall be written by the sender of the article on the value-payable form, in continuation of the printed declaration which is already provided in the [illegible]

In exercise of the power conferred on the Director-General of the Post Office of India by Notification No. [illegible] dated the 31st May 1907, issued by the Governor General in Council under the Indian Post Office Act, [illegible] it is hereby notified that, on and from the date of this notification, the sender of any postal article presented at the [illegible] post office for transmission by post as a value-payable article shall, in addition to the usual declaration [illegible] make the further declaration that [illegible] the transmission of which by post as a value-payable postal article is permitted".

The further declaration shall be written by the sender of the article on the value-payable form, in continuation of the printed declaration which is already provided in the [illegible]

In exercise of the power conferred on the Director-General of the Post Office of India by Notification No. [illegible] dated the 31st May 1907, issued by the Governor General in Council under the Indian Post Office Act, [illegible] it is hereby notified that, on and from the date of this notification, the sender of any postal article presented at the [illegible] post office for transmission by post as a value-payable article shall, in addition to the usual declaration [illegible] make the further declaration that [illegible] the transmission of which by post as a value-payable postal article is permitted".

The further declaration shall be written by the sender of the article on the value-payable form, in continuation of the printed declaration which is already provided in the [illegible]

C. STEWART-WILSON,

Director-General of the Post Office of India.

CALCUTTA:

[illegible] 1907.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, JULY 11, 1907.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED JULY 6, 1907.

HOME DEPARTMENT.

NOTIFICATION.

MEDICAL.

Simla, the 1st July, 1907.

No. 607.—In supersession of the notifications of this Department, No. 437, dated the 25th July 1893, No. 1930, dated the 8th October 1900, No. 852, dated the 12th June 1901, and No. 395, dated the 26th April 1904, and of all existing orders on the subject, the Governor-General in Council is pleased to make the following rule regarding the receipt by medical officers of Government of fees for professional services rendered to ruling chiefs and their families or dependents, Indian gentlemen of high position in a native state, or Indian gentlemen of high position in British India.

2. A medical officer of Government, before demanding or accepting from any Indian gentleman of the status defined above any fee for professional services rendered, shall obtain, by a confidential application made through the local administrative medical officer, the permission of the Director-General, Indian Medical Service. Such permission will not be required in the case of fees calculated on the scale of Rs. 16 a visit or in certain cases Rs. 32 according to recognised custom, unless the total amount thus paid for attendance on a patient or his family during any one month exceeds Rs. 160.

H. A. STUART,

Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 4th July 1907.

No. 98.—The following is published for general information :

No. 87 A. E., dated Simla, the 3rd July 1907.

RESOLUTION—By the Government of India, Public Works Department.

Strengthening of the Superior Accounts Branch, Public Works Department, and improvement in the pay of Examiners of Accounts, class I.

Read—

Despatch No. 418 (Financial), dated the 29th November 1906, to the Secretary of State for India.

Despatch No. 1 (Public Works), dated the 11th January 1907, from the Secretary of State for India.

Despatch No. 117 (Financial), dated the 28th March 1907, to the Secretary of State for India.

Despatch No. 29 (Public Works), dated the 17th May 1907, from the Secretary of State for India.

RESOLUTION.—The Government of India have for some time past been considering the necessity of strengthening the Superior Accounts Branch of the Public Works Department, and of increasing the pay of the highest class of Examiners.

Proposals to this effect have now received the sanction of the Secretary of State, and the Government of India are pleased to notify the following general measures of improvement :

(i) the total strength of the Superior Accounts Branch is increased by five, and the number of Examiners in classes I, II and III is raised from 16 to 20.

(ii) the pay of Examiners, class I, is fixed at Rs. 1,500—60—1,800 in place of the former rates of Rs. 1,600 (Old classification) and Rs. 1,500 (New classification). Officers of the Old classification already in class I, and therefore drawing Rs. 1,600, have been specially permitted by the Secretary of State to count service already rendered therein towards increments on the New Scale (1,500—60—1,800), under the usual rules.

This order has effect from the 2nd June 1907.

ORDER.—Ordered, that this Resolution be communicated to the Local Governments and Administrations noted in the margin and that it be published in the *Gazette of India.*

The Governments of Madras, Bombay, Bengal, the United Provinces, the Punjab, Eastern Bengal and Assam and Burma, Public Works Department.
The Honourable the Chief Commissioners of the Central Provinces and Coorg.
The Honourable the Resident at Hyderabad.
The Honourable the Agent to the Governor-General and Chief Commissioner, North-West Frontier Province.
The Honourable the Agents to the Governor-General for Central India, Rajputana and Baluchistan.
The Accountant-General, Public Works Department.
The Director-General of Military Works Services.

Ordered also that it be communicated to the Department of Commerce and Industry and to the Railway Board.

L. M. JACOB,
Secretary to the Government of India.

FINANCE DEPARTMENT.

NOTIFICATION.

SEPARATE REVENUE.

OPIUM.

The 5th July 1907.

No. 4236-*A.*—It is hereby notified—

(1) that in the calendar year 1908 not more than 46,800 chests of Bengal opium will be offered for sale, and not more than 3,900 chests in each month of the year;

(2) that of the quantity to be offered for sale each month, not more than 1,950 chests will be Benares opium and not more than 1,950 chests Patna opium; and

(3) that no reduction will be made in these quantities without three months' previous notice.

J. S. MESTON,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATIONS.

EMIGRATION.

Simla, the 4th July, 1907.

No. 5746—62.—In exercise of the power conferred by section 80 of the Indian Emigration Act, 1883 (XXI of 1883), the Governor-General in Council is pleased to direct that in Schedule G, Scale No. 3 (B), of Miscellaneous Medical Stores, *showing instruments and appliances for Hospital and Dispensary to be supplied for every Emigrant Vessel,* of the Rules, as published with the notification of the Government of India in the Department of Revenue and Agriculture, No. 94-E., dated the 18th March 1886, and subsequently amended, the following amendment shall be made:

In the last column of the entry relating to "Microscope" after the word "Demerara" the words "Trinidad, Fiji and Jamaica" shall be added.

EXPLOSIVES.

The 5th July, 1907.

No. 5806—4.—*Corrigendum*—In the Commerce and Industry Department notification No. 4555—4 (Explosives), dated the 31st May 1907, published in Part I at pages 405 to 425 of the *Gazette of India,* dated the 1st June 1907, the following corrections should be made:

Transport and Importation Rules.

(1) In the first line of rule 4 (2) (*a*) (ii) *for* 'coumpound' *read* 'compound.'

(2) In the first line of rule 7 (5) *for* 'saftey' *read* 'safety.'

(3) In the fourth line of rule 7 (6) (*c*) *for* 'catridges' *read* 'cartridges.'

(4) In the last line but one of the entry against 'class 5' in column 2 of the table in rule 9 (5) *for* 'condition' *read* 'conditions.'

(5) In the sixth line of rule 11-IV *for* '100' *read* '100°.'

(6) The last sub-clause of rule 13-VI should be distinguished as '(*e*)' not '(*c*).'

(7) In the first line of rule 13-X *for* 'clauses' *read* 'classes.'

(8) In the second line of rule 15-I, *delete* the comma after "license" and *insert* a comma after "import."

(9) In the fourth line of rule 15-I, *for* 'or' *read* 'of.'

(10) In the third line of rule 18 *delete* the bracket after 'granted.'

(11) In the seventh line of rule 25 *for* 'certifiicate' *read* 'certificate.'

Testing rule—Schedule A.

(12) In the twelfth line below the heading " B—Blasting gelatine, gelatine dynamite, and analogous preparations" *for* ' test ' *read* ' tests.'

(13) In the fifteenth line below the above heading *for* ' ingredents ' *read* ' ingredients.'

(14) In the fourth line below the heading " C—Cordite and ballistite " *insert* ' a ' before the word ' mill.'

(15) In the thirty-fifth line below the above heading *for* ' test-papers ' *read* ' test-paper ' and *for* ' equal ' *read* ' equals.'

(16) In the fifth line below the heading " A—Compressed Nitro-Cellulose, Tonite, etc., etc., " *for* ' outside ' *read* ' inside.'

(17) In the twenty-third line below the above heading *for* ' a ' before the word ' bath ' *read* ' the.'

(18) In the thirtieth line below the above heading *for* ' it ' *read* ' its.'

B. ROBERTSON,

Offg. Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 5th July, 1907.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

Simla Volunteer Rifles.

No. 596.—James Willis Erskine, gentleman, to be Second-Lieutenant, to complete the establishment. Dated 5th June 1907.

A. H. BINGLEY,

Offg. Secretary to the Government of India.

Punjab Government Press, Lahore—11-7-07—790.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, JULY 18, 1907.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED JULY 13, 1907.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 11th July, 1907.

No. 100.—The following promotions are ordered in the superior Accounts Branch.

Name.	From	To	Nature of promotion.	With effect from
				1907.
Mr. W. H. Scott ...	Examiner, Class IV, 3. *temporary.*	Examiner, Class IV, 3	Permanent ...	2nd June.

L. M. JACOB,

Secretary to the Government of India.

FINANCE DEPARTMENT.

NOTIFICATION.

SEPARATE REVENUE.

SALT.

Simla the 12th July 1907.

No. 4400-*Exc.*—In exercise of the powers conferred by section 28 of the Indian Salt Act, 1882 (XII of 1882), and by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor General in Council is pleased to direct that the following amendment shall be made in the rules published with the notification of the Government of India in the Finance and Commerce Department No. 547-Exc., dated the 25th January 1905, namely:

In rule 4, sub-rule (3), the words "without any avoidable delay" shall be omitted.

J. S. MESTON,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

POST OFFICE.

SAVINGS BANK.

No. 6051-6055—192.

Simla, the 12th July, 1907.

RESOLUTION—By the Government of India, Department of Commerce and Industry.

The Government of India have had under their consideration the extension to sub-post offices of the system, at present restricted to head post offices, under which investment certificates for Government securities purchased through the agency of the Post Office are granted immediately on the receipt of the sums to be invested. This extension of the existing system was contemplated in the Resolution in this Department No. 4329—4333-181, dated the 1st June 1906.

The success which has attended the introduction of the scheme leads the Government of India to believe that its extension to sub-post offices will be appreciated by the public, and they have therefore decided that, with effect from the 15th September 1907, investment certificates shall be granted immediately in respect of sums tendered for investment at all sub-post offices doing Savings Bank work throughout the country.

2. In order to give effect to this decision, it is notified that, with effect from the same date, the following rule shall be substituted for the rule, bearing the same number, which was published with the Resolution quoted in paragraph 1 above.

INVESTMENTS.

Purchase of Government Securities.

46. (1) Any person whether previously a depositor in the Post Office Savings Bank or not, may invest through the Post Office in Government Securities, in one of the 3½ per cent. loans, specifying in his application either the sum to be invested or the nominal value of the securities to be purchased: provided that the sum to be invested or the nominal value of securities to be purchased shall be in whole rupees, and not less than Rs. 10: provided also that the total amount invested in any one official year from the 1st of April to the 31st of March shall not exceed Rs. 1,000, and that the total amount invested through the Post Office, after deducting any sum sold through the Post Office, shall not exceed Rs. 5,000 in the case of an adult or Rs. 4,000 in the case of a minor.

(2) If the nominal value of securities purchased is *less* than Rs. 100, an investment certificate will be issued. If the nominal value of the securities is Rs. 100, the investor may have either an investment certificate or a whole piece of Government paper for the amount, and if the nominal value of the securities is above Rs. 100, he may have either (*i*) an investment certificate for the entire amount, or (*ii*) whole pieces of Government paper of Rs. 100, or any multiple of Rs. 100, and an investment certificate for the remainder, provided that the remainder is not less than Rs. 10.

NOTE.—In the case of all applications for the purchase of Government Securities, either the whole, or a portion, of the balance standing at the credit of the depositor's Savings Bank account may be made available or a special deposit made, for the purpose of providing the amount required.

(3) When whole pieces of Government paper are required, the investor has the option of requesting in his application, that the paper should remain in the custody of the Comptroller, Post Office, or be delivered to him. When paper is to be delivered to the investor, it will be enfaced for payment of interest at the District Treasury and be forwarded to the post office for delivery to the investor. In the case of Government Securities represented by an investment certificate, the securities will remain in the custody of the Comptroller, Post Office, and no paper can be delivered to the investor or enfaced for payment of interest at the Treasury.

(4) Applications for investment certificates and Government Promissory Notes must be made on separate forms of application prescribed by the Director-General of the Post Office. If the applicant is already a depositor in the Post Office Savings Bank, he should present his pass-book with his application; if he is not already a depositor, a pass-book will be prepared and delivered to him.

(5) When an application for an investment certficate is presented at a head or a sub-post office, an investment certificate, signed by the head or sub-postmaster as the case may be, will be handed to the investor *across the counter of the post office*. When the application is presented at a branch post office, an investment certificate will be obtained for the investor from the head office or the sub-office to which the branch office is subordinate. The Comptroller, Post Office, will fix the rate at which Government Securities represented by investment certificates can be purchased. This rate will be communicated to head and sub-postmasters and will remain in force until it is changed by the Comptroller.

(6) Two or more investment certificates may, at any time, be exchanged for a single certificate of their aggregate value. The certificates to be exchanged must be presented at the local post office, entered in the form of application prescribed for the purpose by the Director-General of the Post Office.

(7) Applications for Government Promissory Notes presented at any post office will be forwarded to the Comptroller, Post Office, at Calcutta, who will take the necessary steps for the purchase. *The investor will be charged with the actual price paid for the Government Promissory Notes.* When the pass-book is presented at the post office, the transactions connected with the investment will be noted therein.

NOTE 1.—The annual limit of Rs 1,000 and the maximum limit of Rs. 5,000 for investments through the Post Office do not apply to investments in connection with public accounts, with regimental, police and other conjoint accounts, or with security deposit accounts.

NOTE 2.—No portion of the balance of an account which is subject to six months' notice of withdrawal may be withdrawn for the purpose of investment in Government Securities until the expiry of the notice prescribed by rule 26 (1).

ORDER.—Ordered, that the Resolution be communicated to the Finance Department, the Comptroller and Auditor-General, the Director-General of the Post Office of India, and the Comptroller, Post Office.

Ordered, also, that the Resolution be published in the *Gazette of India* for general information.

B. ROBERTSON,

Offg. Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 12th July, 1907.

APPOINTMENT.

CANTONMENT MEGISTRATE'S DEPARTMENT.

No. 603.—The services of Captain G. P. R. Beaman, 69th Punjabis, are placed at the disposal of the Punjab Government for employment as an officiating Assistant Cantonment Magistrate.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

North-Western Railway Volunteer Rifles.

No. 616.—Lieutenant Herbert Henry Spalding to be Captain, *vice* Harvey, resigned. Dated 15th June 1907.

Second-Lieutenant Alen Hope Joscelyne to be Lieutenant, *vice* Spalding, promoted. Dated 15th June 1907.

Frank Roxburgh Hawkes, gentleman, to be Second-Lieutenant, *vice* Joscelyne, promoted. Dated 15th June 1907.

A. W. L. BAYLY,

Secretary to the Government of India.

FROM THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED JULY 13, 1907.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

JAILS.

OFFICERS OF THE INDIAN MEDICAL SERVICE EMPLOYED IN THE JAIL DEPARTMENT ON 1ST APRIL 1904 PERMITTED TO SELECT THE DATE ON WHICH THEY WILL COME UNDER THE NEW SCALE OF CONSOLIDATED PAY.

NOS. 125—137.

Simla, the 12th July 1907.

RESOLUTION.

IN paragraph 3 of the Home Department (Jails) resolution Nos. 180—192, dated the 28th September 1905, it was announced that the new scale of consolidated pay sanctioned by the Secretary of State for India for officers of the Indian Medical Service employed in the Jail Department should be introduced with effect from the 1st April 1904, that officers already in the department should be permitted to choose between the old and the revised scale, and that when the present pay of an officer choosing the new scale was in excess of that laid down in paragraph 2 of the resolution he might continue to draw the pay which he then received under the old scale, until he became entitled to an increase under the revised scale, by which his emoluments would thereafter be regulated.

2. It has been found in practice that the interests of existing incumbents have not been sufficiently safeguarded by these orders, and that the conditions prescribed have operated very unequally in different cases. The Government of India accordingly addressed the Secretary of State on the subject in March 1907. They have now received his orders and are pleased to notify, in supersession of the previous orders on this point, that any officer who was in the department on the date from which the improved rates of pay came into effect, *i.e.*, the 1st April 1904, will be permitted to select the date, if any, on which he will come under the new scale; that such election may be made at any time, and, when made, shall be final.

3. The Government of India are further pleased to extend this concession to officers who, although not confirmed in the department on or before the 28th September 1905, had already joined it on probation.

ORDER.—Ordered that a copy of this resolution be forwarded to all local Governments* and Administrations, the Director-General, Indian Medical Service, and the Finance Department, for information.

*The Chief Secretary to the Government of Madras.
The Chief Secretary to the Government of Bombay.
The Chief Secretary to the Government of Bengal, with reference to the correspondence ending with the Home Department letter No. 51, dated the 18th March 1907.
The Secretary to the Government of the United Provinces, Judicial Department.
The Judicial and General Secretary to the Government of the Punjab.
The Secretary to the Government of Burma, Judicial Department.
The Secretary to the Government of Eastern Bengal and Assam, Judicial Department.
The Honourable the Chief Commissioner of the Central Provinces.
The Chief Commissioner of Coorg.
The Honourable the Chief Commissioner of the North-West Frontier Province.

Ordered also that the resolution be published in the Supplement to the *Gazette of India.*

H. A. STUART,
Secretary to the Government of India.

No. 4347-EXC.

GOVERNMENT OF INDIA.

FINANCE DEPARTMENT.

SEPARATE REVENUE.

Excise.

Simla, the 11th July 1907.

Resolution by the Government of India in the Finance Department, No. 4341-Exc., dated the 11th July 1907.

ORDERED that the foregoing Resolution be published for general information in the Supplement to the *Gazette of India.*

J. S. MESTON,

Secretary to the Government of India.

No. 4341-*Exc.*

The 11th July 1907.

RESOLUTION.

IN this Resolution the Government of India propose to examine the ground covered by Chapter XIII of the Excise Committee's Report. In that Chapter the Committee have expressed their views regarding the staff necessary for the control and administration of Excise, as well as for the duties of inspection and prevention. The importance of this branch of the subject cannot easily be exaggerated. As the Committee justly observe," the essence of good Excise administration is a well paid and properly recruited preventive staff, incessant inspection both by it and by active controlling officers, the maintenance of the Collector's authority assisted by the special Department, and an adequate provision for technical work and for training of technical officers."

A separate communication will be addressed to the Government of Madras, the United Provinces, the Punjab, and the Chief Commissioner of the Central Provinces, on the subject of the improvement of their Excise establishments ; and it is not proposed, in the present Resolution, to refer again to those questions of establishment and prevention which have already been dealt with in preceding Resolutions. The following remarks, however, express the conclusions of the Government of India upon the matters of wider and more general importance which fell within the scope of the Committee's enquiry.

2. The first question for consideration is the proper status of the head of the Excise Department in each province. The Committee advise that the Excise Commissioner should be brought into immediate relations with the Local Government, either as a Member of the Board of Revenue, as is now the case in Madras, or by serving directly under Government, as happens, owing to the absence of a Board of Revenue, in Bombay. They suggest that the former system might be followed in Bengal and Eastern Bengal and Assam, by making one of the Members of the Board Excise Commissioner, and the latter in the United Provinces and the Punjab, by removing the Excise Commissioner from his subordination to the Board of Revenue and the Financial Commissioner respectively. The Government of India are unable to accept these suggestions in their entirety. They fully recognise the advantages of the arrangement in Madras and Bombay, where the Excise Commissioner and the Chief Revenue Authority are one and the same functionary, who works directly under the Local Government. But they consider that where, as in Northern India, these two functions are separated, it would be incongruous to remove from the control of the Chief Revenue Authority the second largest of our great Revenue departments. The Board of Revenue and the Financial Commissioner are not mere channels of communication between the Excise Commissioner and the Local Government. They intercept and dispose of many references which the Local Government

would otherwise have to deal, and they assist the latter in disposing of those references which have to be submitted to it; they are, moreover, peripatetic and inspecting agencies, whereas the Secretariat is not. The Government of India, therefore, have no objection to the adoption by any Local Government of the first alternative suggested by the Committee, *viz.*, that a Member of the Board of Revenue, or the Financial Commissioner, as the case may be, should be constituted Excise Commissioner, with the assistance of one or two superior inspecting officers. They do not, however, approve of the second alternative, and are clearly of opinion that where the Excise Commissioner and the Chief Revenue Authority are separate functionaries, the former should be subordinate to the latter and not directly to the Local Government. If any Local Government should desire to introduce such a system, the necessity for it would require to be very fully explained.

3. Where the Excise Commissioner is not also the Chief Revenue Authority, it is clearly desirable, as the Committee recommend, that he should in all cases be a comparatively senior officer, who should have the power of issuing orders both to Collectors and to the special staff; and also that a reasonable continuity in the office should be secured. To ensure this latter object, the Government of India would be glad to see it laid down as a general rule that no one should be appointed Excise Commissioner unless he is prepared to hold the office for three years without taking ordinary furlough during that period. There need be no objection to his taking privilege leave or leave on urgent private affairs; and sick leave must, of course, as the Committee recognise, be granted if necessary.

4. The second of the general questions which the Committee have examined is the position of the Land Revenue authorities in relation to the Department of Excise. The existing conditions of Excise, as well as the prospects of its further development, require a considerable measure of departmental specialization in the larger provinces. But the Government of India unhesitatingly accept the view that, however he may be recruited, the district head of the department should be under the control of the Collector occupying in respect to him the same position as the Superintendent of Police does in police work. They consider that his tenure should be continuous, so far as possible; and for this and other reasons they do not regard it as desirable (differing on this point from the Committee) that junior Civilians should be trained in Excise work by occasional appointment to the control of the district Excise. The more suitable method of instructing these officers would be by the delegation to them of local control as sub-divisional officers.

The Government of India approve (1) of the view that Commissioners of divisions should have no direct concern with Excise, though they should be consulted on questions of policy both by Collectors and by superior authority, and (2) of the rule in force in the United Provinces, under which cantonment magistrates may, with the permission of the Commanding Officer, be placed in charge of the Excise revenue under the Collector's superintendence, thus occupying the same position in the cantonment as the officer in charge of Excise does in the rest of the district.

5. The third important question concerning the Excise staff relates to the preventive establishments. The Government of India have already explained their view that proper preventive arrangements are essential to the success of the policy of adequate control of shops for the sale of fermented liquors, abolition of outstill areas, concentration of manufacture of country liquor, and introduction of the tree-tax system of taxing *tari* wherever this may be decided upon. In the Chapter now under consideration, the Committee discuss in detail the strength of the preventive establishments in the various provinces and the reforms which are necessary. Their conclusions have the complete concurrence of the Government of India, and are, as already noted, being separately commended to the attention of Local Governments. Broadly speaking, it is essential to the proper administration of Excise that officers who have to discharge responsible functions should be adequately paid; that those of the type of Sub-Inspectors should only be employed under adequate control; and that peons and petty officers should be given no independent detective duties, but should be employed under direction for purposes of watch and ward and for similar unimportant services, while their number should be strictly limited to what is required for the performance of such duties.

6. The proper relations between the preventive staff and the police are described by the Committee (paragraphs 278 and 280 of the Report) in terms which the Government of India entirely accept. The special preventive force should be responsible for the inspection of shops and prevention of Excise offences, and it should be sufficiently strong to undertake these duties; while the police should co-operate in detection, be liberally rewarded for so doing, and be expected to provide a force when large seizures are in prospect. Prosecution for Excise offences should be instituted directly by Excise

officers and without the intervention of the police, though, as the Committee recognize, the practice in most provinces for some time to come will be for both Police and Excise officers to institute such prosecutions. In making these recommendations, the Committee suggest that Excise officers should simply have the power of officers in charge of police stations, *i.e.*, that they should be compelled to send up cases for prosecution provided that there is evidence or reasonable suspicion to justify the forwarding of the accused to a magistrate. The Government of India, however, would be glad to see Excise officers vested, under proper safeguards, with a wider discretion. They have already expressed the opinion that before the tree-tax system is introduced in provinces where it is not now in force, the superior staff should have full discretion to release persons brought before them on failure of adequate proof, or with a warning in the case of ignorant and petty offenders against the repetition of the offence. They invite Local Governments to consider whether similar discretionary powers might not usefully be entrusted to the superior staff in respect to other Excise matters also, with a view to reducing the number of prosecutions for petty and unimportant offences.

Paragraph 9 of Resolution No. 2956-Exc., dated the 6th May 1907.

7. The propriety of amalgamating Excise with other Departments, a question which has frequently been under the Government of India's consideration, has been fully discussed by the Committee, who advise—

(1) That the staffs employed on the Excise of liquor, opium and hemp drugs should be amalgamated everywhere.

(2) That the amalgamation of the Excise staff with other cognate departments such as Salt, is also desirable, since a larger cadre facilitates recruiting and ensures a fair flow of promotion, while a periodical change of occupation for Excise officers is very necessary.

(3) That the recruitment of Excise officers from the Land Revenue or other unallied departments is not expedient, since "in any arrangement under which one department depends for recruitment upon another, the less popular is liable either to become a dumping ground for incompetents or to be officered by a succession of capable but inexperienced men who leave the department just as they have learnt their work and become useful."

These recommendations are generally suitable. The Government of India consider it expedient and desirable that the Salt and Excise Departments belonging to the same Local Government should be amalgamated, as has long been the case in Madras, as has recently been accepted for Sind, as has been proposed to the Local Government in respect of Bombay proper, and as, it is understood, is under consideration in Bengal. They do not, however, consider that any amalgamation should be attempted between the provincial Excise staff and the Northern India Salt Department, or that the preventive work now done by that Department in the United Provinces and the Punjab should be handed over to provincial Excise establishments, which do not at present exist there on a thoroughly efficient footing.

8. The Government of India have reserved for separate consideration the remarks of the Committee regarding the appointment of an expert officer to assist in the co-ordination of Excise work in the different provinces. They commend for general acceptance the Committee's concluding suggestions (paragraphs 298 and 299 of the Report) for the prevention of smuggling from Native States and for the check of illicit practices in British India.

Ordered that a copy of the foregoing Resolution be communicated, in continuation of Resolution No. 2997-Exc., dated the 16th May 1907, to all Local Governments and Administrations, with the request that they will report, as soon as possible, the extent to which they will be prepared to adopt the recommendations of the Committee in so far as they have been approved by the Government of India; to Home / Foreign / Army Department with reference to paragraphs 4 and 6 / paragraph 8 / paragraph 4; and also to Major C. H. Bedford, I. M. S.

Punjab Government Press, Lahore—18-7-07—758.

[illegible]

[illegible] they have already expressed the opinion [illegible] in provinces where [illegible] persons brought before them [illegible] of spirits and petty offenders [illegible] They think the Local Governments [illegible] whether [illegible] the number of [illegible]

The [illegible] with other Departments [illegible] been under the Government of India's [illegible] have been fully [illegible] Commission, who think—

[illegible] staffs employed on the Excise of liquor, opium and drugs [illegible] should be amalgamated everywhere.

(2) That the amalgamation of the Excise staff with other [illegible] departments [illegible] Salt is also desirable [illegible] and ensures a free flow of promotion [illegible] officers is very necessary.

(3) That the recruitment of Excise officers from the Land Revenue or other [illegible] departments [illegible] any arrangements under which [illegible] department [illegible] the [illegible] ground for incompetent [illegible] or of their men who have [illegible] as they have been [illegible] useful."

[illegible] recommendations [illegible] The Government of India [illegible] that the Salt and Excise Departments belonging to the same [illegible] should be amalgamated, as has long been the case in Madras, as [illegible] Salt [illegible] in the Local Governments [illegible] in Bengal. They [illegible] between the [illegible] Northern India [illegible] Department [illegible] the preventive work [illegible] in the United Provinces and the Punjab [illegible]

The Government of India [illegible] Commission [illegible] the Commission's [illegible] Native States [illegible]

[illegible] Resolution [illegible] dated the [illegible] they will [illegible] to adopt the recommendations of the Committee [illegible]

[illegible] approved by the Government of India [illegible] Departments [illegible]

[illegible]

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, JULY 25, 1907.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED JULY 20, 1907.

HOME DEPARTMENT.

NOTIFICATIONS.

SANITARY.

PLAGUE.

Simla, the 19th July, 1907.

No. 1120.—Captain T. H. Gloster, M.B., I.M.S., was employed temporarily under the Government of Bombay from the 21st April to the 29th June 1907. His services are placed temporarily at the disposal of the Government of the Punjab for employment on plague duty, with effect from the latter date.

JAILS.

The 16th July, 1907.

No. 143.—The services of Captain R. McL. Dalziel, I.M.S., are placed at the disposal of the Government of the Punjab for employment in the jails department.

H. A. STUART,

Offg. Secretary to the Government of India.

DEPARTMENT OF REVENUE AND AGRICULTURE.

NOTIFICATION.

CIVIL VETERINARY ADMINISTRATION.

Simla, the 19th July, 1907.

No. 1245—79-6.—Mr. G. Taylor, M.R.C.V.S., has been appointed to the Indian Civil Veterinary Department, with effect from the 24th June 1907, and is posted for training to the Punjab.

J. WILSON,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATION.

POST OFFICE.

Simla, the 18th July, 1907.

No. 6176—214.—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), the Governor-General in Council is pleased to direct that the under-mentioned amendments shall be made in the rules published in the notification of the Government of India in the Department of Finance and Commerce, No. 1429-C.S.R., dated the 30th March 1899:

1. To rule 24 add the following:

"except that no fresh charge shall be made on account of postage if the article has not been opened."

2. For rule 36 substitute the following:

"36. (1) Registration shall be compulsory in the case of the following postal articles:

(*a*) An article containing a currency note, or any portion of a currency note.

(*b*) An article containing postage or other stamps or labels, or a cheque, hundi, bank-note, bank post bill, bill of exchange, or the like,—if the contents are either superscribed upon the cover, or are known or manifest to the officers of the Post Office owing to the transparency, insecurity, or insufficiency of the cover, or to any other cause.

(*c*) An article bearing the word "registered" or any other word, phrase, or mark to the like effect.

(*d*) A registered article which is re-posted after having been delivered.

"*Exception.*—Nothing in this rule shall be held to render registration of a packet compulsory only by reason that it contains a stamped envelope, postcard, or wrapper as provided by the explanation to rule 10.

"(2) Twice the fee for registration shall be levied on the delivery of any postal article required under this rule to be registered on which the fee for registration has not been prepaid."

B. ROBERTSON,
Offg. Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 19th July, 1907.

LONDON GAZETTE.

No. 624.—The following extracts are published for general information:

"*London Gazette,*" *dated the 25th June 1907, pages 4347 to 4349.*

* * * * * * * *

INDIA OFFICE;
25th June 1907.

The King has approved of the following promotions among officers of the Indian Army, Indian Medical Service, Indian Army Departments, and Indian Army Reserve of Officers, and admissions to the Indian Army and Indian Medical Service:

* * * * * * * *

INDIAN MEDICAL SERVICE.

* * * * * * * *

Majors to be Lieutenant-Colonels.

Dated 31st March 1907.

* * * * * * * *

William Ronaldson Clark, M.B.
George Frederick William Braide.

* * * * * * * *

A. W. L. BAYLY,
Secretary to the Government of India.

Punjab Government Press, Lahore—25-7-07—792.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, AUGUST 2, 1907.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED JULY 27, 1907.

FINANCE DEPARTMENT.

NOTIFICATION.

ACCOUNTS AND FINANCE.

MINT.

Simla, the 22nd July, 1907.

No. 4597-A.—In exercise of the powers conferred by sub-section (1) of section 10 of the Indian Coinage Act, 1906 (III of 1906), the Governor-General in Council is pleased to direct as follows:

(1) The nickel one-anna piece specified in section 6 of the Act shall henceforth be coined at the Mint and issued.

(2) It shall have a waved edge with twelve scollops, its greatest diameter being 21 millimetres and its least diameter 19·8 millimetres. The rim shall not be milled.

(3) It shall bear on the obverse the effigy of His Majesty King Edward VII and the inscription "Edward VII-King & Emperor" and on the reverse its designation in English, Urdu, Nagri, Bengali and Telugu, with the word "India" above and the year of coinage below the figure "1".

J. S. MESTON,

Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 26th July 1907.

CANTONMENTS.

No. 653.—In exercise of the powers conferred by section 26 of the Cantonments Act, 1889 (XIII of 1889), the Governor-General in Council is pleased to direct that section 37, sub-section (1), of the Cantonment Code, 1899, shall be modified as follows :

After the words "fifty rupees" *insert* "or, if the Officer Commanding the Division, with the previous concurrence of the Accountant-General, so directs, a sum not exceeding two hundred rupees".

VOLUNTEER CORPS.

APPOINTMENTS AND RESIGNATIONS.

Simla Volunteer Rifles.

No. 666.—Alexander Jamieson Ross, gentleman, to be Second-Lieutenant, to complete the establishment. Dated 27th June 1907.

A. W. L. BAYLY,

Secretary to the Government of India.

Punjab Government Press, Lahore—2-8-07—792.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, AUGUST 9, 1907.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED AUGUST 3, 1907.

HOME DEPARTMENT.

NOTIFICATIONS.

SANITARY.

PLAGUE.

Simla, the 2nd August, 1907.

No. 1183.—Whereas the Governor General in Council is satisfied that there is a danger of an outbreak of dangerous epidemic disease at Ajmer in the Ajmer district of Ajmer-Merwara, if pilgrims or other persons from the Bombay presidency (excluding all places in Sind except the town of Karachi) and the Punjab are permitted to assemble at that place on the occasion of the ensuing Urs Khwaja Sahib Fair:

In exercise of the power conferred by section 2, sub-section (*1*), of the Epidemic Diseases Act, 1897 (III of 1897), the Governor General in Council is pleased to direct that no tickets to travel by railway to the stations of Sendra, Beawar, Kharwa, Mangaliawas, Saradhna, Tabiji, Ajmer, Madar, Ladpura, Akhri, Hatundi, Nasirabad and Bandanwara on the Rajputana-Malwa Railway shall be sold from the date of this notification to the 17th August 1907 (both days inclusive) within the Bombay presidency, (excluding all places in Sind except the town of Karachi) and the Punjab to any pilgrim or other person intending or believed to be intending to proceed on pilgrimage to the Urs Khwaja Sahib Fair at Ajmer.

JAILS.

The 2nd August, 1907.

No. 169.—The services of Lieutenant A. H. Proctor, I.M.S., are placed at the disposal of the Government of the Punjab for employment in the jail department.

H. A. STUART,

Offg. Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATIONS.

CUSTOMS.

Simla, the 1st August, 1907.

No. 6462—78.—In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to prohibit the bringing by sea or by land into British India of quinine which has been coloured pink.

GEOLOGY AND MINERALS.

The 2nd August, 1907.

No. 6533—100.—The following draft rules which it is proposed to issue in exercise of the power conferred by section 20 of the Indian Mines Act, 1901 (VIII of 1901), are published as required by the said section for the information of persons concerned.

2. The draft will be taken into consideration by the Governor General in Council on or after the 4th November 1907, and any objection or suggestion which may be received from any person with respect to the draft before that date will be considered by the Governor General in Council :—

DRAFT NOTIFICATION.

In exercise of the power conferred by section 20 (2) (v) of the Indian Mines Act 1901 (VIII of 1901), the Governor General in Council is pleased to make the following rules for application to all mines in British India :

Rules.

(I) If the owner, agent or manager of any mine intends to extend any mining operation under his control at or to any point within fifty yards of any railway subject to the provisions of the Indian Railways Act, 1890, he shall give the Chief Inspector of Mines and the Railway Administration concerned notice in writing of his intention so to do 60 days before the commencement of such extension.

(II) If the operations in respect of which notice is given under rule I are not commenced within twelve months from the expiry of the period of 60 days therein referred to, the notice shall be held to have expired and a fresh notice shall be given by the owner, agent or manager of the mine, under rule I.

(III) The notice to be given under rule I shall specify the position of the working of the mine in relation to the railway in question, the manner in which it is proposed to carry out the intended new operations, the limits to which it is proposed to carry the said operation, and whether the operations are actually in progress,—and shall include a plan showing the existing and the intended mining operations in so far as they affect the railway in question.

B. ROBERTSON,
Offg. Secretary to the Government of India.

DEPARTMENT OF MILITARY SUPPLY.

Simla, the 2nd August, 1907.

PROMOTIONS.

INDIAN SUBORDINATE MEDICAL DEPARTMENT.

ASSISTANT SURGEON BRANCH.

No. 58.—The undermentioned 3rd class Assistant Surgeons, having completed seven years' service in that class and passed the required departmental examination, to be 2nd class Assistant Surgeons, with effect from the dates noted against their names :—

Christian Albert Rudolph Haegert
* * * *
Frederick William Mathews
* * * *
},—15th April 1907.

E. W. S. K. MACONCHY, *Colonel*,
Secretary to the Government of India.

Punjab Government Press, Lahore—9-8-07—792.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, AUGUST 16, 1907.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED AUGUST 10, 1907.

HOME DEPARTMENT.

NOTIFICATION.

SANITARY.

Simla, the 9th August, 1907.

No. 1214.—In exercise of the powers conferred by section 2, sub-section (1), of the Epidemic Diseases Act, 1897 (III of 1897), the Governor-General in Council is pleased to direct that, until further orders, the Haj will be open to any resident in India, subject to the conditions—

(1) that no person shall be permitted to embark with the object of making a pilgrimage to Mecca except at the port of Bombay in the Presidency of Bombay:

(2) that before the pilgrims embark the ships chartered for Jedda shall be thoroughly cleansed and freed from rats by means of the Clayton process under the personal direction of the Port Health officer:

(3) that ample hospital accommodation shall be provided on board:

(4) that before embarkation pilgrims shall be medically inspected and their clothes and baggage disinfected as in the case of third class passengers on ordinary steamers:

(5) that the ships shall undergo further medical inspection both at Aden and at Perim: and

(6) that if plague is found to be present on a pilgrim vessel arriving at Aden telegraphic information shall be sent to Perim, where the vessel shall be treated as an infected ship under article 21 (3) of the Paris Convention of 1903 and the measures prescribed in that article shall be strictly carried out, a similar treatment being accorded to vessels on which plague is first discovered at Perim.

2. The orders contained in the Home Department notification No. 1749, dated the 28th September 1906, are hereby cancelled.

3. A fully equipped plague observation station for pilgrims will be established at Perim by the Government of Bombay at the commencement of each pilgrim season capable of receiving an entire shipload of pilgrims from a plague-infected vessel for treatment under article 21 of the Paris Convention of 1903.

H. A. STUART,

Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 5th August, 1907.

No. 112.—Mr. W. B. Gordon, C.I.E., Superintending Engineer, 1st class, Punjab, is appointed to officiate as Chief Engineer and Joint Secretary, Irrigation Branch, Punjab, with effect from the 30th July 1907, during the absence on privilege leave of Mr. J. J. Mullaly, and until further orders.

No. 113.—With reference to Public Works Department Notification No. 112, dated the 5th August 1907, Mr. W. B. Gordon, C.I.E., Officiating Chief Engineer and Joint Secretary, Irrigation Branch, Punjab, is appointed to officiate as Chief Engineer and Secretary for Irrigation to the Hon'ble the Agent to the Governor General and Chief Commissioner, North-West Frontier Province, with effect from the 30th July 1907, during the absence on privilege leave of Mr. J. J. Mullaly, and until further orders.

No. 114.—Mr. T. R. J. Ward, C. I. E., Executive Engineer, 1st grade, Punjab, is appointed to officiate as a Superintending Engineer, with effect from the 24th July 1907.

L. M. JACOB,

Secretary to the Government of India.

FINANCE DEPARTMENT.

NOTIFICATION.

SEPARATE REVENUE.

Stamps.

Simla, the 9th August, 1907.

No. 4976-*Exc.*—In exercise of the powers conferred by section 9, clause (*a*), of the Indian Stamp Act, 1899 (II of 1899), the Governor General in Council is pleased to remit the duty chargeable under article 54 of Schedule I of the said Act on deeds of reconveyance of mortgaged property executed by the Government in favour of an officer in civil or military employ on the repayment of an advance received by him from the Government for the purpose of constructing or purchasing a dwelling house for his own use.

J. S. MESTON,

Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 9th August, 1907.

CANTONMENTS.

REGULATIONS.

No. 693.—In exercise of the powers conferred by section 26 of the Cantonments Act, 1889 (XIII of 1889), and in modification of the notification of the Government of India in the Military Department No. 664, dated the 16th June 1899, as subsequently amended, the Governor General in Council is pleased to alter the Cantonment Code, 1899, to the extent set forth below :—

In section 3 (1) (*a*) for the words "an officer" the words "a combatant officer," shall be substituted.

PROMOTIONS.

INDIAN ARMY.

No. 697.—The following promotions are made, subject to His Majesty's approval:

* * * * * * *

INDIAN MEDICAL SERVICE.

Captains to be Majors.

Dated the 29th July 1907.

* * * * * * *

Edmund Ludlow Perry.

* * * * * * *

VOLUNTEER CORPS.

APPOINTMENTS AND RESIGNATIONS.

1st Punjab Volunteer Rifles.

No. 708.—William Robert Ramshaw, gentleman, to be Second-Lieutenant, *vice* Dalton, transferred to the supernumerary list. Dated 1st July 1907.

No. 709.—Charles Patrick Wallace Flynn, gentleman, to be Second-Lieutenant, to complete the establishment. Dated 15th July 1907.

A. W. L. BAYLY,

Secretary to the Government of India.

Punjab Government Press, Lahore—16-8-07—792.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, AUGUST 23, 1907.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED AUGUST 17, 1907.

HOME DEPARTMENT.

NOTIFICATIONS.

PUBLIC.

Simla, the 16th August, 1907.

No. 2182.—The following amendment in the rules regarding the submission of petitions to the Government of India, promulgated with the Home Department notification No. 147, dated the 19th January 1905, as amended by notification No. 2530, dated the 21st July 1905, is published for general information :

For Note 1 of the preamble substitute the following :

Note I.—In these rules the words "Local Government" include a Local Administration and the Commander-in-Chief in India, and also, except as regards petitioners under rule 11 (7) whose salary was more than Rs. 30 a month, the Head of a Department directly under the Government of India, and Divisional and Independent Brigade Commanders.

ESTABLISHMENTS.

The 16th August 1907.

No. 945.—With reference to the Home Department notification No. 649, dated the 22nd May 1907, it is hereby notified that the Honourable Sir Denzil Charles Jelf Ibbetson, K.C.S.I., returned from leave and resumed charge of the office of Lieutenant-Governor of the Punjab and its dependencies on the 12th August 1907.

MEDICAL.

The 15th August, 1907.

No. 925.—The services of Captain E. L. Perry, I.M.S. (Bengal), are placed permanently at the disposal of the Government of the Punjab.

ECCLESIASTICAL.

The 14th August, 1907.

No. 345.—The Reverend Arthur Louis Henry Selwyn has been appointed a chaplain on probation on the Bengal (Lahore) ecclesiastical establishment to fill an existing vacancy.

H. A. STUART,
Offg. Secretary to the Government of India.

DEPARTMENT OF REVENUE AND AGRICULTURE.

NOTIFICATION.

CIVIL VETERINARY ADMINISTRATION.

Simla, the 12th August, 1907.

No. 1386—64-4.—Mr. E. Burke, Assistant Principal, Bengal Veterinary College, is appointed to be Deputy Superintendent, Government Cattle Farm, Hissar, with effect from the 13th July 1907.

J. WILSON,
Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 16th August, 1907.

PROMOTIONS.

MILITARY WORKS SERVICES.

INDIA.

No. 717.—Honorary Captain and Deputy Commissary Charles Gentry, Assistant Engineer, 2nd grade, Punjab Irrigation, to be Commissary ;

* * * * * * *

vice Commissary and Honorary Captain John Hart, retired ; with effect from the 4th August 1907.

RETIREMENTS.

No. 722.—Lieutenant-Colonel William Coates, M.D., Indian Medical Service, Bengal, is permitted to retire from the service, subject to His Majesty's approval, with effect from the 4th July 1907.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

1st Punjab Volunteer Rifles.

No. 732.—Captain (Honorary Major) William Rinett Peake, V.D. (Supernumerary List) resigns his commission. Dated 1st July 1907.

A. W. L. BAYLY,
Secretary to the Government of India.

DIRECTOR-GENERAL, INDIAN MEDICAL SERVICE.

NOTIFICATION.

Simla, the 7th August 1907.

No. 32.—The services of 2nd class Assistant Surgeon George Francis Byers, Indian Subordinate Medical Department, are placed at the disposal of the Government of the Punjab, for civil employment in that province, with effect from the forenoon of the 14th July 1907.

DAVID WILKIE, M.B., COLONEL, I.M.S.,
Offg. Director-General, Indian Medical Service.

FROM THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED AUGUST 17, 1907.

No. 5085-EXC.

GOVERNMENT OF INDIA.

FINANCE DEPARTMENT.

SEPARATE REVENUE.

Excise.

Simla, the 15th August 1907.

Resolution by the Government of India in the Finance Department No. 5086-Exc., dated the 15th August 1907.

Ordered that the foregoing Resolution be published for general information in the Supplement to the *Gazette of India.*

J. S. MESTON,

Secretary to the Government of India.

No. 5086-EXC.

The 15th August 1907.

RESOLUTION.

In a series of previous Resolutions the Government of India have dealt with the questions discussed in successive Chapters of the Excise Committee's Report. They turn now to the subject of Chapters XI and XII of that Report, and propose to deal in the present Resolution with

(1) the number, location and licensing of liquor shops:

(2) the conditions under which liquor should be sold.

As the Committee have remarked, these matters are of the highest importance in their bearing on the Government's recognised policy of restricting the consumption of intoxicating liquors by fiscal measures.

I.—NUMBER, LOCATION AND LICENSING OF LIQUOR SHOPS.

2. Throughout India as a whole, as the statistics in paragraph 75 of the Committee's Report conclusively show, the proportion of shops to the population which they serve is extemely moderate. The distribution, however, is very uneven. On the one hand, there are areas where the facilities for supply are in excess; on the other hand, in some areas they are so deficient as to provide a direct incentive to illicit practices Among the former may be mentioned the Central Provinces (where, however, a thorough reform is now in progress), Behar and the eastern districts of the United Provinces in regard to *tari* shops, certain districts of Bengal in regard to *pachwai* shops, and parts of Madras. Among the areas where the number of shops is insufficient to check illicit supplies, are some of the Bengal districts, certain districts of relatively large consumption in the United Provinces, and parts of Bombay (where the difficulty will become more acute when the District Monopoly system in that province is replaced by the system of Contract Distilleries). The considerations which, in the Government of India's opinion, must govern the decision as to the number of shops to be established in a given area are perfectly clear. If shops are allowed to be so sparse that each has a practical monopoly over a considerable area, prices will inevitably be raised and illicit practices encouraged; this danger will be accentuated if the limit of private possession of liquor is reduced, as suggested in paragraph 12 below. On the other hand, while shops need not necessarily be so

limited in number as to make it impossible for a resident in a particular area to get his liquor except from one particular shop, it should only be possible for him to do so at the cost of considerable inconvenience, and he ought to have as little freedom of choice in the matter as possible. If two or more shops are equally convenient to any considerable number of persons, the fact affords what the Government of India would regard as *primâ facie* evidence that the number of shops in that particular area is excessive.

3. The Government of India are desirous that Local Governments, who have not recently examined the subject, should now investigate the number of shops required in their province with reference to the criteria indicated above and the more detailed criticisms of the Excise Committee. The Government of India, however, wish to guard against any possible misconception of these instructions. They do not suggent that there should be any addition to the total number of liquor shops in India. The investigation should aim at a redistribution where the present arrangement is uneven, and at a reduction where the number of shops is now in excess.

It is of course impossible to lay down a uniform standard even for a single large province, as different tracts differ materially in the distribution and density of the drinking population and the facilities for putting down illicit consumption where shops are sparse. The Committee's proposal (paragraph 234 of the Report) to consider separately, with reference to local conditions, a minimum and a maximum scale of shops for every tahsil or other convenient sub-division of a district, is one which has the approval of the Government of India; a similar scale might also be determined for each municipality. The determination of maximum and minimum numbers for each municipality and rural area would give the local authorities sufficient scope to provide for varying circumstances; but the margin between the minimum and maximum figure in each case must not be large.

4. The licensing authority in India, outside the Presidency towns, is the District officer; and the Excise Committee have carefully considered whether the existing practice calls for modification. In the granting of liquor licenses and the location of liquor shops, the extent to which public opinion can be ascertained, and the weight which should attach to such opinion as is expressed, are questions of no small difficulty. Local option, in the sense in which that term is generally understood, is quite impracticable in India. As the Government of India wrote in 1890, it "would throw the whole Administration into confusion, and would in some places create an intolerable class tranny which might have very serious political effects." The position has not materially charged since this was written; and it is impossible for the Government to lay aside its responsibilities for fixing, whether by itself or through its officers, the number and sites of liquor shops. The Government of India would be glad, however, to see local opinion consulted more systematically and recorded more definitely than is the case at present; and to that end they suggest for the careful consideration of Local Governments the following modifications in the present procedure, which are based to a certain extent on the Committee's recommendations.

Paragraph 98 of the Government of India's Despatch No. 29, dated the 4th February 1890.

5. The machinery which the Committee proposed for the licensing of shops in the Presidency and other large towns is a small local committee; and the Government of India think that a similar body might suitably be utilized for drawing up the maximum and minimum scales both in the Presidency towns and other large municipalities with a population exceeding, say, 20,000 or some other suitable figure to be fixed by the Local Government. The Committee in the Presidency towns and Rangoon might consist of (1) the Collector, the Excise Commissioner, or other Chief Revenue officer; (2) the Commissioner of Police; (3) the Chairman of the Corporation; and (4) the Municipal Commissioner or Commissioners for each ward separately. In other municipalities it might similarly consist of (1) the District officer; (2) the District Superintendent of Police; (3) the Chairman of the municipality; and (4) the members (or a selected member) for each ward separately. The precise constitution of the Committees must however in all cases be left to the discretion of the Local Government concerned, and there is no need for uniformity. These Committees might prepare their proposals or consider those of the Collector, once in th[illegible] to five years and submit them to the Chief Revenue authority for the approval of Government, whose decision should be final. Whether a similar agency could be employed for rural areas, or even for small towns, appears to the Government of India to be somewhat doubtful. Members of District and Local Boards are rarely in a position to gauge the requirements of the rural population in the same way as the leading citizens of large towns can judge the number of shops required in the smaller and more densely populated areas with which they are familiar. The extension of the system outside the large towns, however, is a matter which may be left to the discretion of Local Governments.

6. The exact position of shops for which licenses have been granted is a matter on which considerable diversity of opinion has been expressed, both by administrative authorities, and by those who interest themselves in temperance reform. The Government of India, however, are in general accord with the broad principles which the Committee (paragraph 237 of their Report) have recommended for observance in the selection of sites. They also approve of the Committee's further suggestions in the direction of notifying proposed sites with the object of ascertaining any local objections to them, and of obtaining the opinions of those who may be specially interested, such as railway authorities, Forest officers, and large employers of labour in tea gardens, mills and coal mines. In addition to these measures the Collector should, before each periodical auction or settlement in a large town, consult the local committee above described, if possible personally. Their advice for or against the location of a shop in a particular place where it is proposed to have it would be valuable; but the Collector's decision should be final, and the licensing of shop-keepers should also be left in his hands. Any police objection as to the character of applicants would of course be duly considered, as is already definitely required in the case of Presidency towns.

II.—CONDITIONS OF THE RENTAIL SALE OF LIQUOR.

7. On this important subject the Excise Committee have recorded a number of recommendations, which have the entire concurrence of the Government of India, and which they recommend to the most careful consideration of Local Governments. It is impossible, within the limits of a Resolution, to enumerate the many details of a policy upon which the Committee's pronouncements are accepted by the Government of India; but the following matters may be selected for special reference.

Shop premises (paragraph 247 of the Report).—These should, as a rule, have only a single door opening into a public road. When special circumstances appear to justify it, however, provision may be made for a separate private bar, which should require a special license from the Collector; there need be no objection to a separate entrance to such a bar, provided it is labelled as such. Each shop should be so constructed that the interior, whether of a public or private bar, may be visible from its door-way, and it should not be a place of residence save for the vendor and his family or caretakers. The employment as shops of buildings such as the Committee describe at Amritsar, where the shops are turned into local club houses, should be put a stop to.

8. *Hours of sale (paragraph 248 of the Report).*—Shops should not be opened before sunrise and should ordinarily be closed not later than 9 P.M.; and in certain places, as in the Assam tea gardens, earlier closing hours may be laid down at the discretion of the local authorities. When for any reason a shop is kept open after ordinary hours, it should be under special license and on payment of a special fee. Shops should be liable to temporary closure, under the orders of the Collector, when troops are encamped or marching in the vicinity and in times of religious excitement or disturbance; and, as is required in Bombay, a shop-keeper should himself take the initiative in closing a shop when there is riot or disturbance in the neighbourhood.

9. *Persons who should not be allowed to sell liquor (paragraph 249 of the Report).*—Sale by minors (*i.e.* in this connection, persons below the age of 14) and diseased persons should be prohibited. As regards sale by women, the Government of India agree with the view taken by the Government of Bombay in 1905 that there is no necessity for its absolute prohibition, and that it will be sufficient to cancel the license and to refuse renewal in the case of any person who is found to allow the business of a refreshment room to be carried on in a manner which is open to reasonable suspicion It is, however, ordinarily desirable to confine permission to a wife, daughter, or other near relative of the shop-keeper who is living with him; and there may, as the Committee indicate, be particular places in which it is desirable to forbid sale by women altogether. The Collector should in all cases have power to call for the names of persons employed or proposed to be employed in liquor shops, and to forbid sale by such as he may disapprove.

10. *Persons to whom liquor should not be sold (paragraph 250 of the Report).*—These should include:—

(1) Sailors and the soldiers, and the members of their families, except when supplied at licensed houses, refreshment rooms and shops, which have been specially approved by the General Officer Commanding the Division (or Independent Brigade) or the Officer Commanding the Cantonment or Camp, and then only in respect to such liquors as shall be approved by the same authority in consultation with the local Excise authorities, and specified in the vendor's license.

(2) Camp followers, policemen, Excise officers and railway servants when on duty.

(3) European vagrants under escort of the police.

(4) Insane persons.

(5) Persons known or believed to be intoxicated.

(6) Children (*i. e.*, in this connection, persons below the age of 14).

The Government of India agree with the Committee that sale to women may be prohibited by a Local Government in special areas where it may be thought necessary. But there should be no general prohibition.

11. *General conduct of shop premises (paragraphs 266 and 268 of the Report).*—Gambling and entertainments on shop premises should be forbidden. A shop-keeper's responsibility for drunkness on his own premises should be insisted on, and the further provision (suggested in paragraph 11 of Government of India Resolution No. 7057-Exc., dated the 18th December 1906) that, in cases where drunkenness amounting to a public nuisance occurs in the vicinity of a shop, the shop-keeper should be liable to have his license cancelled, may also be useful in certain cases. It can of course, as the Committee point out, only be enforced in the case of villages with single shops, and a town shop-keeper could not be made "liable to lose his license every time a drunken man passed down the street in which his shop was situated." Orders prohibiting consumption on the premises are of doubtful efficacy, and the Government of India are not satisfied that they should be issued, except of course, in cases of foreign liquor shops which have only a license for consumption off the premises. To enable a consumer to send for country spirit for consumption at home or in a friend's house would, in many cases, encourage drinking by making it possible to avoid the loss of credit which visits to the liquor shops would otherwise entail.

12. *Limits of retail sale and consequently of private possession (paragraph 251 of the Report).*—The circumstances of different provinces, and of different tracts within the same province, vary greatly, and in fixing the limits of private possession it is necessary to consider the drinking habits of the people, and also the number of shops. Where shops are sparse the amount which a consumer may obtain at one time must necessarily be larger than where they are numerous. An unnecessarily high limit, on the other hand, merely tempts the possessor to become an illicit vendor. While not wishing to lay down any general rule, the Government of India consider that a maximum limit of one gallon, whether in the case of country spirit, *tari* or foreign liquor, should not ordinarily be exceeded. But in any province in which the prescription of a smaller maximum in regard to country spirit or *tari* has not been found inconvenient, such smaller maximum may of course be adhered to.

The Government of India do not approve of the suggestion that shop-keepers and non-officials should have general powers to extend the limits of private possession. The power to grant special permits must rest with the responsible officers of Government and should not be entrusted to non-officials unconnected with the liquor trade. Shop-keeper should not be allowed to grant such permits, and consequently to sell more than the usual retail limit, except on special occasions, such as funerals and the like, which cannot be foreseen; and they should be required to report their action on every such occasion to the tahsildar (or other responsible Government officer) and be warned that any abuse of this privilege will debar them from holding shops thereafter.

13. *Regulation of the strengths of liquor sold (paragraphs 252, 253 and 256 to 259 of the Report).*—Country spirit in distillery areas should be sold at fixed strengths wherever there is an establishment capable of enforcing this condition without undue harassment of the shop-keeper. This is desirable, both in order to prevent fraud on the consumer by the watering of liquor, and also as a check on the utilization by country spirit vendors of foreign spirit, which is subject to different Excise conditions and is intended for a different class of consumers. Moreover, as the Committee observe (paragraph 299 of the Report), it is more difficult to produce illicit liquor that will pass detection when it is necessary to imitate precise strengths of licit spirit. The Committee's recommendations on this point may be summarized as follows:

(1) There should eventually be two strengths, a low strength of 60° under-proof (approximately the lowest limit at which spirit, if properly manufactured, can keep and carry in good condition) and a higher limit of 30° under-proof.

(2) Where spirit is at present sold at higher strengths, a reduction of the maximum strength should be carefully carried out so as not to provoke illicit practice. As a first step, the sales at proof strength in the United Provinces and the Punjab, at 20° under-proofs in Madras, and at any strengths above 25° under-proof in Sind Bengal, Eastern Bengal and Assam, Coorg, Ajmer-Merwara and Bangalore, should cease; and in provinces such as the United Provinces, where there is no provision for issue at a strength lower than 25° under-proof, arrangements should be made for issue at 50° under-proof for the present, to be reduced later to 60°.

(3) In areas where weak spirit is now drunk, a small differentiation of duty in favour of the lower strength is desirable to prevent its displacement by the stronger liquor which is more profitable to the shop-keeper.

(4) Shop-keepers should be required to maintain stocks of the weaker liquor for sale.

The Government of India accept the view that the absolute prohibition of the sale of country liquor above a low fixed strength will not be effective in preventing drunkenness and they consider that the adoption of the above measures should tend to secure, as far as this is possible, the sale of a weak but at the same time wholesome spirit. They also agree with the Committee (paragraph 254 of the Report) that any adulteration of spirit by the vendor should be prohibited and should involve the cancellation of his license, and that samples of spirits as sold in the shops should be periodically sent up by excise officers for analysis; and further (paragraph 255 of the Report) that, where adulteration or undue watering of spirit is believed to be prevalent, a shop-keeper may be required to keep a stock of liquor in sealed bottles.

14. *Regulation of prices (paragraphs* 260 *and* 261 *of the Report).*—In distillery areas it is desirable that minimum prices should be prescribed under a separate shop system in order to prevent reckless competition and to deter shop-keepers from undue efforts to clear off stocks towards the close of the period of the currency of their licenses. The enactment of maximum prices is, however, open to the objection that it exposes Government to the charge of making liquor cheaper than it would otherwise be, and is justifiable only where one man has the monopoly of sale over a considerable area. The Government of India are in general accord with the further suggestions made by the Committee in this connection in paragraphs 262 to 265 of the Report.

15. *Official control (paragraph* 267 *of the Report).*—The Committee point out that however excellent regulations may be in themselves, they are useless unless there is a force which is capable of seeing that they are given effect to and which is duly instructed in that regard. They observe that in Assam the difficulty has been successfully met by the appointment of special Inspectors whose primary duty is the control of licensed premises and more particularly of drunkenness thereon, and they recommend the insistence in all provinces on the performance of similar duties by officers of the standing of Inspector or Darogha of Excise. They also suggest that a record should be maintained of convictions for drunkenness in places where it is punishable, as well as of action taken against licensees for permitting it and that the subject should be noticed in the annual Administration Reports. The Government of India accept these proposals generally, but consider that the inspection of shops and control of drunkenness should be undertaken by the regular Excise staff of each province and not by a special agency appointed for that purpose only. On the question of adopting special measures with the object of discouraging the clandestine purchase of liquor by members of classes whose religion or caste forbids the use of alcohol, the Committee conclude (paragraph 269 of the Report) that nothing beyond the general measures already discussed is feasible from the Excise point of view; and in this view the Government of India concur.

ORDERED that a copy of the foregoing Resolution be communicated, in continuation of Resolution No. 4341-Exc., dated the 11th July 1907, to all Local Governments and Administrations, with the request that they will report as soon as possible, the extent to which they will be prepared to adopt the recommendations of the Committee in so far as they have been approved by the Government of India; to the Home Department with reference to paragraphs 2 to 6, 9 and 10; to the Army Department with reference to paragraphs 10 (1) and (2); and to Major C. H. Bedford, I. M. S.

FROM THE "GAZETTE OF INDIA EXTRAORDINARY," DATED AUGUST 19, 1907.

HOME DEPARTMENT.

NOTIFICATION.

SANITARY

PLAGUE.

No. 1285.

Simla, the 19th August 1907.

The following correspondence is published for general information.

By order,

H. A. STUART,

Offg. Secretary to the Government of India.

From His Excellency the Viceroy to the Heads of all local Governments and Administrations, dated Simla, the 16th August 1907.

In reference to the communication which I am addressing to you to-day, I beg to forward you a letter on the same subject which I have had the honour to receive to-day from His Majesty the King-Emperor.

From His Majesty the King Emperor to His Excellency the Viceroy, dated Buckingham Palace, the 13th August 1907.

MY DEAR VICEROY,

I have followed with anxious interest the later course of that epidemic of plague by which India has for eleven years past been so sorely afflicted.

The welfare of my Indian subjects must ever be to me an object of high concern, and I am deeply moved when I think of the misery that has been borne with such silent patience in all those stricken homes.

I am well aware how unremitting have been the efforts of Your Excellency's predecessors and yourself to make out the causes of the pestilence, and to mitigate its effects.

It is my earnest hope and prayer that the further measures now being prepared by Your Excellency, in consultation with zealous and able officers, may be crowned with merciful success.

I desire you to communicate this expression of my heart-felt sympathy to my Indian subjects.

Believe me,

MY DEAR VICEROY,

Sincerely yours,

EDWARD, R. & I.

From His Excellency the Vicoroy to the Heads of all local Governments and Administrations, dated Simla, the 16th August 1907.

The terrible ravages of plague borne with such touching patience and heroism by the afflicted people of India have caused me the greatest sorrow and concern, and I have been deeply grieved that comparatively so little success has attended our efforts to free the country from this dire scourge.

The difficulties in our way have been enormous, of which the greatest has perhaps been the inability of the classes of the community most affected by the epidemic to understand the sanitary and hygienic measures which we have sought to induce them to adopt, and which in many cases they have actively resented, and, though our medical and executive officers, and benevolent non-officials all over India, have shown the most courageous self-sacrifice, not a few of them having laid down their lives in fighting the epidemic, the results achieved have fallen far short of what, after such an expenditure of labour and money, we might reasonably have excepted.

The first stage of the Plague Commission inquiry is now finished and certain definite conclusions have been reached. These do not perhaps make the problem of effective suppression of the disease much easier than it was when it first appeared, but they at least indicate the lines on which we should proceed in the future with the best hope of ultimate success, and at the same time prove that many expensive and harassing operations carried on in the past may be safely abandoned. Your Administration is being addressed by the Government of India on the subject of the measures that should now be taken, and I do not propose to discuss these in this letter, more particularly as any general line of action dictated by science must be modified to suit the peculiar conditions of the province and the people to be affected by it.

Our whole experience in the past, however, has taught us one important lesson that should never be lost sight of. No measure that can be devised can have any prospect of success unless we secure the co-operation of the very people it is intended to save. The leading principle to be observed in a plague campaign is that the people must to a great degree work out their own salvation, and that, whatever course of action is decided on, it must be carried out with patience, sympathy, and a scrupulous consideration for their wishes and traditions. Indians are by no means contemptuous of sanitary laws; many sections of the community have good rules of their own, and it will only defeat the purpose we have in view if we appear to insist unreasonably upon the acceptance of our ideas of modern hygiene.

The problem is one of exceptional difficulty; questions of expediency only too often prevent the unrestricted application of the restraints which science would impose. but I feel confident that the proposals made to you officially will receive your earnest and sympathetic attention, and I hope that, with the assistance of the people themselves, some distinct advance will now be made towards bringing the ravages of this pestilence under complete control.

NOS. 1275—1284.

FROM

SIR HAROLD STUART, K.C.V.O., C.S.I.,

Offg. Secretary to the Government of India,

TO

THE CHIEF SECRETARY TO THE GOVERNMENT OF MADRAS.

" SECRETARY TO THE GOVERNMENT OF BOMBAY, GENERAL DEPARTMENT (PLAGUE).

" SECRETARY TO THE GOVERNMENT OF BENGAL, MUNICIPAL (MEDICAL) DEPARTMENT.

" SECRETARY TO THE GOVERNMENT OF THE UNITED PROVINCES, MEDICAL (SANITATION) DEPARTMENT.

" SECRETARY TO THE GOVERNMENT OF THE PUNJAB, HOME (MEDICAL AND SANITARY) DEPARTMENT.

" SECRETARY TO THE GOVERNMENT OF BURMA, GENERAL DEPARTMENT.

" SECRETARY TO THE GOVERNMENT OF EASTERN BENGAL AND ASSAM, MEDICAL DEPARTMENT.

" HONOURABLE THE CHIEF COMMISSIONER OF THE CENTRAL PROVINCES.

" HONOURABLE THE AGENT TO THE GOVERNOR GENERAL AND CHIEF COMMISSIONER, NORTH-WEST FRONTIER PROVINCE.

" CHIEF COMMISSIONER OF COORG.

Home Department.
Sanitary—Plague.

Simla, the 17th August 1907.

SIR,

THE scientific commission which was appointed in 1905 to investigate the causation of plague has now completed the first stage of its labours, dealing with the etiology of the disease, and has arrived at conclusions of great practical importance. Some time must elapse before it is possible to publish an account of all the work done by the commission, but I am directed to address you at once on those results of its careful and valuable researches which have a direct bearing on the measures to be taken for dealing with the epidemic.

2. From the point of view indicated above the outstanding conclusions are:—

(1) that bubonic plague is spread by infected rats;

(2) that the vehicle of contagion between rat and rat and between rat and man is the rat-flea; and

(3) that the life of the plague germ in soil, the floors and walls of houses and the like is of short duration.

These conclusions show that many troublesome and expensive measures undertaken or the purpose of destroying the germ in houses may be abandoned; and they indica[te] that effort should be directed to prevent access to man of infected rats and their fleas, an[d] to counteract the effects of the bites of infected fleas.

3. The Government of India recognize that the prevention of contact between man and infected rats and rat-fleas is a problem the solution of which presents great difficulties. The construction of the vast majority of Indian houses favours infestation by rats; there is usually an ample food supply for them; and in many cases the people are not only themselves unwilling to destroy rats, but decline to afford any facilities for their destruction by others. These unfavourable conditions, however, are not always present,

and there is evidence which indicates that well-devised measures carried out persistently will largely reduce the number of rats and thus retard, if they do not completely prevent, the spread of plague. But it must be remembered that rats breed with great rapidity, and it follows that spasmodic and ill-directed efforts to exterminate them can have little effect on the prevalence of plague and may actually do harm by discrediting not only rat destruction but other measures also.

4. Apart from actual destruction there are other means of keeping down the number of rats. It is impossible to expect in the immediate future much improvement in the structure of houses, but in certain localities something might no doubt be done in this direction, while beneficial results may possibly be obtained by building in selected centres a few houses, suitable for the poorer classes, to serve as models of the type of residence which is best fitted to secure freedom from rats. The provision of such model dwellings may conveniently be undertaken along with schemes for the demolition of insanitary areas and the opening up of congested quarters, measures which the Government of India regard as imperative because they are of value, both directly by reducing the facilities for rat-life and indirectly by their educational effect. Again, a diminution of the food supply of rats by the protection of grain stores and the prompt removal of all garbage has a direct effect on the rat population, which normally is limited only by the available supply of food.

5. The Government of India apprehend, however, that at least for some time to come measures undertaken to reduce the number of rats may have only partial and local results, and it will probably be found in most cases that the only practical way of removing man from contact with infected rat-fleas is by the temporary evacuation of quarters in which plague is prevalent. In the present state of our knowledge evacuation is the most efficient remedy against plague which we can offer to the people and the earlier this measure is adopted and the more completely it is carried out the greater will be the saving of life. It must, of course, be recognized that even in the most favourable circumstances the evacuation of their houses is attended with great inconvenience to the people, and it should be impressed upon district officers that while it is their duty to use their utmost endeavours to influence the leaders of the people and induce them to move into temporary dwellings, it is equally their duty, by affording assistance and making wise rules suited to the circumstances of the community with which they are dealing, to make the measure as little irksome as possible. It is impossible to lay down definite directions which should be followed in every case because conditions vary from place to place. For this reason district officers and their subordinates should be given considerable freedom of action in deciding what help should be afforded, and they should consult their technical advisers regarding any rules that it may seem necessary to prescribe. In one place grants of money may be desirable; in another it may be advisable to supply the materials for the construction of grass huts either free of charge or on payment; in a third the most suitable form of help may be the provision of corrugated iron for the construction of temporary residences. Arrangements for the care of the cattle will often be necessary, and provision should always be made for the safe custody of the property which the people must leave behind them in their houses. Whatever form of aid it is decided to give should be given promptly, with a minimum of preliminary formalities and without undue detail of subsequent audit.

The wishes and even the prejudices of the people must be consulted, and it is important that they should be made to understand the reasons for evacuation and why it is that this measure will save them. If they can be made to appreciate this, the site of the temporary encampment need not be at a greater distance from the evacuated houses than is sufficient to prevent rats following the people; and it will not be necessary to impose any restrictions beyond those which are required to prevent people bringing infected fleas with them from their houses.

6. The next measure to which I am directed to invite attention is inoculation. It has been established beyond doubt that inoculation is a most valuable protective against plague, and even when it does not afford immunity it doubles the chances of recovery. The Governor-General in Council is aware, however that there is much prejudice on the subject and the claims of inoculation should be advocated with caution and tact. The goal to be aimed at is the provision everywhere of facilities for inoculation. For this purpose the members of the staffs of hospitals and dispensaries should be utilised whenever it is possible to do so, while establishments of special inoculators should be employed where such supplementary assistance is required. Training in the simple process of inoculation is necessary in all cases and can be given at the provincial laboratories and by commissioned medical officers selected for the purpose. I am to suggest that the Governor in Council / the Lieutenant-Governor should at once take into consideration the needs of the presidency / province in this respect.

you

7. It is known that acute plague in men and rats never completely disappears, and it is probable that it is in the localities in which it persists throughout the period of abatement that the yearly epidemics have their origin. In each province these localities, which may not be the same from year to year, should be ascertained and special attention should be devoted to them with the object of extirpating plague in them and of preventing it from spreading from them.

8. The Governor-General in Council does not think it necessary to press further upon the attention of local Governments the importance of avoiding any action which excites the opposition of the people. That is clearly recognised, and he desires now, therefore, to dwell rather upon the necessity of urging district officers to take the initiative by explaining to the people what is known about the causes of plague, by teaching them to appreciate the danger of harbouring rats and by stimulating them to adopt measures of protection. They must not be coerced, but on the other hand they must not be left without guidance, advice and help. His Excellency in Council is convinced that the terrible mortality from plague excites the compassion of every officer of Government who is brought in contact with the people, but in the past, sympathy has not infrequently been accompanied by a feeling of helplessness and despair. The problem of combating the disease is still surrounded with many difficulties, but the increased knowledge which has now been gained has made the outlook distinctly more hopeful, and there is every reason to anticipate that persistent and sustained efforts will at least produce appreciable alleviation even though they may not afford complete relief. The Governor-General in Council relies confidently upon the support and co-operation of local Governments in a combined endeavour to grapple with the epidemic, and he in turn is ready to afford such administrative assistance as lies in his power.

I have the honour to be,

SIR,

Your most obedient servant,

H. A. STUART,

Offg. Secretary to the Government of India.

Punjab Government Press, Lahore—23-8-07—792.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, AUGUST 30, 1907.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED AUGUST 24, 1907.

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Simla, the 22nd August, 1907.

No. 18.—In exercise of the power conferred by section 10 of the Indian Councils Act, 1861 (24 and 25 Vict., c. 67), and section 1 of the Indian Councils Act, 1892 (55 and 56 Vict, c. 14), the Governor General is pleased to nominate the Hon'ble Mr. T. Gordon Walker, C.S.I., Financial Commissioner of the Punjab, to be an Additional Member of the Council of the Governor General for the purpose of making Laws and Regulations.

T. W. RICHARDSON,

Offg. Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATIONS.

POST OFFICE.

GENERAL MATTERS.

Simla, the 21st August, 1907.

No. 7073—229.—In exercise of the powers conferred by sections 34 and 35 of the Indian Post Office Act, 1898 (VI of 1898), the Governor General in Council is pleased to direct that, with effect from the 1st January 1908, the following amendment shall be made to rule 66 of the rules published with the notification of the Government of India in the Finance and Commerce Department, No. 14290-S. R., dated the 30th March 1899, as subsequently amended :

For the words "The sender................ itself" the following shall be substituted :

"The sender of a postal article intended to be transmitted by post as value-payable shall write clearly on the face of the article itself—

(1) in the upper left-hand corner—the letters V. P, followed by an entry in figures and words of the amount for remittance to himself, and

(2) in the lower left-hand corner—his own name and full address."

The 23rd August, 1907.

No. 7098-91.—In exercise of the powers conferred by section 25 of the Indian Post Office Act, 1898 (VI of 1898), the Governor General in Council is pleased to empower the officers noted in the margin to search, or cause search to be made for any "novocain," the bringing of which, by sea or by land, into British India is prohibited by notification No. 7079-91 of this date, in course of transmission by post to any place in British India, and to direct that the said officers shall deliver all such "novocain" found to the nearest officer for the time being in charge of the excise administration, and that such "novocain" shall be disposed of in accordance with the rules for the time being in force relating to "novocain" confiscated under the provisions of the Excise law in force for the time being in the part of British India in which the actual delivery of the "novocain" so found was made to the Excise officer aforesaid.

(1) The mail officer for the time being in charge of the Bombay-Aden Sea Post Office.
(2) The Postmaster and the Deputy Postmaster at Karachi.
(3) The Presidency Postmaster, the Deputy Postmaster and the Assistant Postmasters at Bombay.
(4) The Presidency Postmaster, the Deputy Postmaster and the Assistant Postmasters at Madras.
(5) The Postmaster and Deputy Postmaster at Tuticorin.
(6) The Presidency Postmaster, the Deputy Postmaster and the Assistant Postmasters at Calcutta.
(7) The Postmaster, the Deputy Postmaster and the Assistant Postmasters at Rangoon.
(8) The Postmaster at Akyab.
(9) The Postmaster at Negapatam.

CUSTOMS.

The 23rd August 1907.

No. 7079—91.—In exercise of the power conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to prohibit the bringing by sea or by land into British India of "novocain" by means of the post: and to restrict its importation by any other means to cases in which it is imported by persons, or by their authorised agents, who have been specially permitted to import the drug by Local Government or Administration.

B. ROBERTSON,

Offg. Secretary to the Government of India.

Punjab Government Press, Lahore—30-8-07—792.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, SEPTEMBER 6, 1907.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED AUGUST 31, 1907.

HOME DEPARTMENT.

NOTIFICATION.

MEDICAL.

Simla, the 30th August, 1907.

No. 967.—The services of the undermentioned officers are placed temporarily at the disposal of the Government of the Punjab for employment on plague duty, with effect from the dates noted against their names :

Captain G. P. T. Groube, I.M.S.,—8th July 1907.

Captain H. M. H. Melhuish, I.M.S.,—9th July 1907.

Captain M. S. Irani, I.M.S.,—10th July 1907.

Captain H. Watts, M.B., I.M.S.,—18th July 1907.

Lieutenant N. M. Wilson, I.M.S.,—17th July 1907.

H. A. STUART,

Offg. Secretary to the Government of India.

FINANCE DEPARTMENT (MILITARY FINANCE).

NOTIFICATIONS.

PAY AND ALLOWANCES.

FUNDS.

Simla, the 29th August, 1907.

Indian Military Service Family Pension Ragulations.

No. 1825-*P.*—In accordance with the terms of G. G. O. No. 1315, dated the 28th December 1872, as republished in G. G. O. No. 560, dated the 23rd May 1873, the Governor General in Council directs the publication of the following documents regarding the condition of the Indian Military Service Family Pension Fund as on the 31st March 1903:

Financial (Funds).

India Office, London,

No. 6.

9th August 1907.

To His Excellency the Right Honourable the Governor General of India in Council.

MY LORD,

Indian Military Service Family Pensions. Valuation as on 31st March 1903.

In continuation of my Despatch dated the 14th ultimo, No. 4, I forward herewith, for your information and publication in the *Gazette of India*, copies of the valuation and report by Mr. Willis Browne, F.I.A., on the assests and liabilities arising under Indian Military Service Family Pension Regulations as on the 31st of March 1903, with the further report thereon by Mr. Stanley Day, F.I.A.

2. The consolidated accounts for the five years ended on the 31st March 1903 are also transmitted.

3. The valuation has been made on the basis of interest at 4½ per cent, and at this rate Mr. Browne estimates that the assets exceed the liabilities by the sum of 212,056*l*.

4. In considering the method in which an abatement may be made of the contributions under these Regulations, it must be borne in mind that the rate of interest assumed in these valuations may be fixed from time to time by the Secretary of State in Council. The result of any actuarial valuation depends, to a very great extent, upon the rate of interest assumed, and any modification of rates of contribution must consequently be of a temporary character and liable to alteration on the publication of each valuation. At present the estimated surplus is sufficient to allow of a temporary reduction of 25 per cent. on all subscriptions and donations, and I authorise such a reduction to take effect from the beginning of the month following the date the Actuaries' Reports and this Despatch are published in the *Gazette of India*, to the date of the publication of the next valuation.

5. Passing to the recommendations made in Mr. Willis Browne's Report the scales of marriage donations proposed by him should be adopted from the date of the publication of his Report, but they will be subject to the temporary abatement of 25 per cent. The new tables of monthly recoveries of instalments of donations should also be brought into force, and as they comprise interest as well as principal; the computation of interest in each individual case will be discontinued.

6. I have carefully considered Mr. Stanley Day's valuable report, and specially the portion relating to a new scale of contributions for children, but I do not think that the time has yet arrived for a revision of the principles on which contributions were originally fixed and under which many officers have been subscribing for years. Should the result of the next quinquennial valuation show that material changes are required, I am disposed to think that all rates of subscription should be revised and the system of charging donations on the occurrence of certain events should cease.

7. In preparing the half-yearly accounts of receipts and expenditure the donations from married officers should be separated into Marriage, Promotion, Disparity and Excess Age Donations, with effect from the 1st of April 1908.

8. The date on which the reports are published in the *Gazette of India* should be communicated to me by telegram.

I have the honour to be,

My Lord,

Your Lordship's most obedient, humble Servant,

(Signed) JOHN MORLEY.

ENCLOSURES.

Enclosure No. 1.

REPORT by Mr. Willis Browne, F.I.A., dated 15th August 1906.

INDIAN MILITARY SERVICE FAMILY PENSIONS.

VALUATION AS AT 31ST MARCH 1903.

I annex hereto an abstract of a valuation, at $4\frac{1}{2}$ per cent. interest, of the assets and liabilities of the Indian Military Service Family Pension Fund as at 31st March 1903.

For purposes of comparison, I endeavoured to calculate approximately the result of a valuation at $3\frac{1}{2}$ per cent. interest, but the intricacies involved were so numerous and the results so exceedingly doubtful, that I abandoned the attempt, feeling quite convinced that there could be no approximation except by accident. The last valuation of the fund was made on a $3\frac{1}{2}$ per cent. basis and, by request, I sent in a so-called "approximate" valuation at $4\frac{1}{2}$ per cent. interest. The result showed that the assets and liabilities were nearly equivalent. Now, however, by the $4\frac{1}{2}$ per cent. tables just completed for the present valuation (1903), it is apparent that the result should have shown a very considerable surplus. So much for "approximate" valuations.

Tables.

The only alteration in the Life tables I have felt justified in making is that relating to the lives of the officers themselves. Of course, this alteration affects the whole of the Annuity, Survivorship, etc., tables with the exception of those for incumbents. I have, on previous occasions, referred to the fact, that as the experience extends further into the advanced ages, so it becomes apparent that the mortality rates adopted in the original scheme are too stringent. The present experience extends five years further into the older ages than at date of last valuation. Thus I am now in possession of statistics that I consider to be reliable up to the age of 55, and of such a character as to indicate the rates of mortality likely to prevail between the ages of 55 and 65 and, in a less degree, between 65 and 70.

When first I considered this question relating to the rates of morality for our Indian military, etc., officers, I was in possession of statistics that enabled me to bring the experience up to 1892; then, at date of last valuation up to 1897, and now up to 1902.

The present experience now covers a period of 30 years, and is therefore worthy of being accepted, at any rate in great part, as a foundation upon which to construct new tables. The experience shows that the total number of officers, excluding natives, entered at all ages was 4,933, the number of subscribers living on 31st March 1902 being 3,980. The total number under observation was 65,992, and the number exposed to risk 63,425, the number of withdrawals and deaths being respectively 202 and 751.

On the above data the following rates obtain:

Ages.	Exposed to risk.	Number of deaths.	Death-rate.
20 to 23	2,807	31	·0110
24 to 28	14,216	170	·0120
29 to 33	15,658	176	·0112
34 to 38	11,971	119	·0100
39 to 43	8,269	96	·0116
44 to 48	5,159	64	·0125
49 to 53	3,088	50	·0162
49 to 55	3,852	62	·0161
56 to 60	1,024	22	·0215
61 to 65	338	7	·0207
66 to 70	103	5	·0485
61 to 70	441	12	·0272

The foregoing rates compare with former results as follows:

Ages.	Rates on experience up to			The heaviest of the three experiences to age 48, and afterwards the heavier of the two last for reasons given below.*
	1892.	1897.	1902.	
20 to 23	·0116	·0137	·0110	·0137
24 to 28	·0114	·0127	·0120	·0127
29 to 33	·0117	·0112	·0112	·0117
34 to 38	·0116	·0106	·0100	·0116
39 to 43	·0110	·0113	·0116	·0116
44 to 48	·0148	·0118	·0125	·0148
49 to 55	·0220*	·0156*	·0161*	·0161
56 to 60	...	·0204	·0215	·0215
61 to 65	...	...	·0207	·0207
61 to 70	...	...	·0272	·0272

* On the 1892 experience there were only 864 lives exposed to risk, whilst up to 1897 there were 2,182 and up to 1902, 3,852.

The last column of the above compares with the old Government Annuity table and with the table I adopted in the last valuation as follows:

Ages.	Experience above Unadjusted.	Government annuitants, Old table Unadjusted.	Rates used in last valuation.
20 to 23	·0137	·0139	·0 76
24 to 28	·0127	·0130	·0127
29 to 33	·0117	·0122	·0123
34 to 38	·0116	·0114	·0136
39 to 43	·0116 } ·0123	·014 } ·0136	·0147
44 to 48	·0148 }	·0127 }	·0172
49 to 55	·0161	·0199	·0224
56 to 60	·0215	·0263	·0282
61 to 65	·0207	·0340	·0379
61 to 70	·0272	·0423	·0452

It will be observed that the rates based on the experience of the Fund compare very favourably with those contained in the old table for Government annuitants. (Perhaps I may here explain that the new Government Annuity table is more favourable than the old.) For ages 20 to 23, the experience rates are practically the same as the rates for Government annuitants. At these younger ages, however, the rates vary from year to year in a much greater degree than at the older ages. The cause of this variation I attribute to the difficulties with which the medical examiners have to contend in coming to a correct decision as to whether the lives they examine are really fit to master the climate. A great improvement in this respect has been made in recent years, as may be seen from the low death rates now ruling compared with the rates ruling in former years. Under the circumstances, and looking at both sides of the question, I have considered it safer to retain the rates used in the last valuation for these ages. For ages 24 to 33, the experience rates differ but little from those for Government annuitants, and but very little from those adopted in the last valuation. These latter, therefore, I have also retained For ages 34 to 48, the experience rates and Government annuitant rates are very similar. They are however less than those used in the 1898 valuation, and I felt rather inclined to slightly reduce the latter, but, in view of some allowance being made for war risks, etc., I considered it advisable to make no change. It will be seen that the experience rates at all ages are lower than those of Government annuitants, whilst the latter are lower than those hitherto used in the calculations It seems to me, therefore, that after the age of 48, when retirement is near at hand, and when only a few officers are likely to be subject to war risk, there is no reason for supposing that the lives of our Indian military officers will be of less value than those of Government annuitants generally (old table). Indeed they may be as good as those upon which the new table is based. The experience is, I know, scanty after the age of 60, but scanty as it is, it is sufficient to indicate that, as at the younger ages, the rates will be very considerably lower than those upon which previous valuations have been based and probably lower than the Government annuitant rates. Under these circumstances I think I am justified in accepting the latter rates after the age of 54. Up to the age of 46, I have assumed the rates used in the 1897 valuation, the rates for the intervening ages 47 to 54 being adjusted rates uniting the two experiences. The

effect on the valuation is to increase the value of the subscriptions, married and unmarried, and to diminish the value of the pensions. The complete table is here given :

Age.	Rate.	Age.	Rate.
20	·0178	60	·0285
21	·0194	61	·0301
22	·0174	62	·0322
23	·0157	63	·0346
24	·0142	64	·0374
25	·0132	65	·0407
26	·0123	66	·0443
27	·0117	67	·0482
28	·0118	68	·0524
29	·0119	69	·0569
30	·0120	70	·0615
31	·0122	71	·0660
32	·0125	72	·0706
33	·0128	73	·0753
34	·0131	74	·0803
35	·0134	75	·0860
36	·0136	76	·0928
37	·0138	77	·1008
38	·0140	78	·1100
39	·0142	79	·1200
40	·0144	80	·1305
41	·0146	81	·1412
42	·0150	82	·1518
43	·0154	83	·1624
44	·0160	84	·1728
45	·0166	85	·1834
46	·0172	86	·1945
47	·0178	87	·2063
48	·0184	88	·2195
49	·0190	89	·2349
50	·0196	90	·2504
51	·0202	91	·2694
52	·0209	92	·3200
53	·0216	93	·3700
54	·0223	94	·4419
55	·0230	95	·5139
56	·0240	96	·5999
57	·9250	97	·7143
58	·0260	98	·7499
59	·0271	99	1·0000

Differences of Age between Husband and Wife.

As affecting the valuation, I have made but one other change, *viz.*, that in regard to the assumed differences of age between husband and wife. In previous valuations I retained the differences assumed by the late General Hannyngton in his Report of 1870, but, from a detailed investigation covering the whole period of the existence of the fund, I find that some alteration is necessary to suit existing circumstances. The following statement shows the differences (1) as originally used, (2) as obtained from the investigation, [illegible] (3) as used in the present valuation :

Class.	DIFFERENCES OF AGE. HUSBAND THE ELDER.		
	As originally used.	From Investigation.	As used in Present Valuation.
V	5	2	3
IV	6	4	5
III	7	6¼	7
II	8	7½	8
I	10	8	10

The number of married officers in Class I b-ing comparatively small, I have made no change in that class. The results in Classes II and III are nearly the same as the original a-sumed differences. I have thus retained the latt-. The changes in Classes IV and V from 6 and 5 years to 5 and 3 years respectively affect the result of the valuation favourably, increasing slightly the value of the contributions and diminishing the value of the pensions.

Disparity Donations.

In a reference paper from the Director of Funds, dated 7th March 1904, my attention was drawn to certain hardships in the application of the disparity table to officers whose ages exceeded that of their wives by 12 years or more. In reply, I explained that the apparent hardships arose from the fact that the late General Hannyngton, in his original scheme, found it necessary, in regard to the *ordinary* marriage donations, to base his calculations upon the averages ruling in each class. Now, of the subscribers for whom General Hannyngton was providing at the time nearly all were officers of the Staff Corps and Medical Service. Thus the averages ruling in the several classes were expected to remain fairly constant and were assumed to be as under :

Up to 32 for Class V.
32 to 40 for Class IV.
40 to 46 for Class III.
46 to 51 for Class II.
51 and over for Class I.

The calculations of the ordinary marriage donations were then based on the assumption that, of the marriages in each class, all would be contracted at a given average age as follows:

Class V	...	...	...	...	28
,, IV	...	...	...	...	35 or 36
,, III	...	...	...	...	42
,, II	...	...	...	...	48

The differences of age betwen husband and wife in the respective classes were, for the purpose of fixing the ordinary marriage donations, assumed to be as follows, male the [illegible]er :

Class V	...	...	...	...	5
,, IV	...	...	...	...	6
,, III	...	...	...	...	7
,, II	...	...	...	...	8
,, I	...	...	...	...	10

The disparity values were then calculated according as the actual differences were in excess of the assumed differences as above.

In later years, marine officers and others have been admitted as subscribers and the ages on promotion from class to class have in some instances been altered. Moreover, the Life tables now in use are entirely different from the original tables, the former being more favourable to the officer. Thus the original assumptions no longer hold good. Considering the number of years that some officers remain in the junior classes in excess of the assumed period, it has seemed to me that the ordinary marriage donations should be calculated according to the officer's age, the same as in the Civil Service Family Pension Fund. An officer marrying late in life, towards the end of his service, a lady, say 11 years his junior, should, I think, be required to pay more than a much younger officer. Let me take, as an example, the case brought to my notice in the reference of the Director of Funds. The officer was in Class IV, and his age was 47, which exceeded that of his wife by just over 12 years. The disparity donation was 157*l*. Had the disparity been a little under 12 years, the marriage donation would have been 48*l*. This sum of 48*l*. was the result of a calculation based on the average of the ages ruling in Class IV, *viz.*, 35 or 36, whilst the disparity donation of 157*l*. was calculated on the actual ages of husband and wife, thus representing the value of the whole risk less the value of the subscriptions. If it be fair to base the marriage donation for any particular class on a given average age, it would seem to follow that the disparity donation should be so fixed as to represent the value, not of the whole risk brought on, but of the additional risk in excess of the calculated average risk. This value would of course be in addition to the ordinary marriage donation. But then the two together would not, in most cases, be equal to the value of the whole risk. Thus the fund would sustain a loss, as it does already on marriages where the disparity between husband and wife is less than 12 years and the husband's age considerably in excess of the assumed age. Under existing rules, the officer whose age exceeds that of his wife by 12 or more years, pays for the whole loss, whilst the officer whose age is considerably above the assumed average, but does not exceed that of his wife by 12 years, pays nothing beyond the ordinary class donation which, at his age, is quite inadequate. In other words, the former pays too much and the latter too little.

I refer again to the case alluded to above in Class IV. An officer aged 47 may marry a lady aged 44, and is consequently charged the ordinary donation only, *viz.*, 48*l*. Well, as a matter of fact, the reversionary pension is some 34*l*. less in value than that of an officer of 27 years of age marrying a lady three years his junior. But, on the other hand, owing to his advanced age the value of his subscriptions is less than that of the younger officer by 116*l*. So it will be seen that, in each class, due account should be taken of the number of years in advance of the average age on marriage in the particular class. It is this fact that has suggested to me the justice of making some addition, in the respective classes, for each year of age in excess of the average age. This is certainly not an unfair arrangement, for I have not based my calculations on any extreme case. Nor do I propose that an officer marrying at an age at which his subscriptions are worth nothing, should pay for the whole value of the pension brought on; for I have taken into consideration that, in the case of bachelors, they have already contributed largely towards the funds in the form of unmarried subscription. On the other hand, we must not overlook the case of an officer who, having been married during the greater portion of his service, and having lost his wife, remarries at an advanced age. He might indeed marry at a very advanced age, in which case the fund would become responsible for the value of the pensions with practically nothing to provide for them beyond the marriage donation which would represent but a very small percentage of the value of the liabilities brought on. I have no doubt that such cases are rare, and I have therefore omitted them in the calculations. But it is clear that, the more elderly a man is on marriage in any class, the less is the asset accruing from his subscriptions; and, considering the question from this point of view, I think I am justified in proposing a moderate addition for each year of age in advance of the ages specified below for the five classes. This, if sanctioned, will, I think, minimise the inequalities now existing, and give some relief to officers who may exceed the present 12 years' limit.

The additions I propose are as follows:

Class V,—1*l*. 10*s*. for each year of age exceeding 30.
" IV,—3*l*. for each year of age exceeding 35
" III,—6*l*, for each year of age exceeding 42.
" II,—9*l*. for each year of age exceeding 48.
" I,—12*l*. for each year of age exceeding 53.

The additions might be termed "Excess Age Donations," and would apply to all officers alike whatever might be the disparity of age between huband and wife. Then, for officers of an age exceeding that of their wives by 12 years or more, I propose a scale of additional donations varying with age and disparity of age. Thus in some cases there would be three donations payable by an officer on marriage. One or two illustrative

examples may be of interest. First, I will take the case previously referred to, *viz.*, that of an officer, aged 47, in Class IV., with a disparity of 12 years, and compare it with that of an officer in the same class, and of the same age, but with a disparity of 11 years and 11 months.

Class IV.—Officer's age 47. Disparity 12 years:

Existing Method.	£	*Proposed Method.*	£
Disparity donation	157	Ordinary marriage donation	48
		Excess age (12 years) donation ...	36
		Additional donation as per table ...	29
			113

The same as above, but disparity 11 years and 11 months:

Existing Method.	£	*Proposed Method.*	£
Ordinary marriage donation ...	48	Ordinary marriage donation	48
		Excess age (12 years) donation ...	36
			84

It will be seen from the above that the two cases are almost identical, and yet, under existing rules, the one officer pays 48*l.* and the other 157*l.*, whilst, under the proposed method, the one will pay 84*l.* and the other 113*l.*

Class V.—Officer's age 60. Disparity 12 years:

Existing Method.	£	*Proposed Method.*	£
Disparity donation	144	Ordinary marriage donation ...	24
		Excess age (30 years) donation ...	45
		Additional donation	26
			95

Same as above, but with disparity 11 years and 11 months:

Existing Method.	£	*Proposed Method.*	£
Ordinary marriage donation ...	24	Ordinary marriage donation ...	24
		Excess age donation (30 years) ...	45
			69

So that, under present rules, a difference of one month = 144*l.*—24*l.* = 120*l.*

Whilst under the proposed method a difference of one month = 95*l.*—69*l.* = 26*l.*

and in like manner, throughout, it will be seen that the inequalities so glaringly apparent in the existing tables will, under the plan I now propose, be reduced to a minimum without disturbing existing arrangements. Thus I recommend these additional donations chargeable under the conditions named for the favourable consideration of the Secretary of State for India in Council. Of course, if, at any time, it be found that irregularities still exist, there will be no difficulty in revising the tables; for the principles upon which they are constructed leave them open to revision, and to a further process of smoothing.

The result of the valuation shows the very respectable balance of 212,056*l.* in favour of the Fund, representing rather over 6 per cent. of the total value of the liabilities. The question now arises as to the disposal of this surplus.

May I take it as an instruction of the Secretary of State that, as regarding existing subscribers, the present favourable rate of interest, *viz.*, 4½ per cent., will not be reduced? If the Secretary of State for India in Council should so decide, a very considerable advantage will be enjoyed by the subscribers who, no doubt, will fully appreciate the concession.

On this assumption, I have calculated the effect on the balance sheet of an all round reduction of 10 per cent. on the donations and subscriptions, both contingent and potential; and, after providing for such reduction, I find I am still left with a balance in hand of 11,272*l.* Now, as I have valued every possible asset and liability, contingent and potential, pertaining to every subscribing member from the date at which the valuation is made to the date of death of the last surviving beneficiary, this 10 per cent. reduction

may be accepted as a permanent reduction, assuming always that there will be no change in the rate of interest. But I do not consider that any permanent reduction, of whatever amount, would act fairly to the subscribers who have, by their overpayments, created the surplus, because, from the fact of its being a permanent reduction, it is spread throughout to the date of death of the last surviving subscriber, thus embracing liabilities for future wives and children.

There are of course extreme points between which the surplus could be disposed of, *viz.*, a permanent 10 per cent. reduction of contribution to date of death of last surviving subscriber, and an immediate distribution of the surplus between existing subscribers, such as an increase of pensions. I feel hardly justified in recommending the latter, but a course steered between the extremes might perhaps give satisfaction. With this end in view, the surplus should, in my opinion, be so distributed as to compensate existing subscribers for past overpayments on account of existing wives and children, leaving for future consideration the scale of contributions that might *hereafter* be required when the contingent list shall have become considerably augmented by recruitment from the potential list. In this case, the reduction must be considered as a temporary measure only, *i.e.*, until such time as the surplus may be shown to be approaching extinction. As a temporary measure any reduction of contributions for existing wives and children may with perfect safety be extended to wives and children coming on between now and the date of publication of the next quinquennial valuation. Until the fund at 4½ per cent interest be closed to future entrants, there is no reason why the present scale of contributions for future wives and children should not create a surplus proportionate to that created in the past. It follows that, until such closure, the contributions for wives and children coming on in the interval should be subject to reduction equally with those now in course of payment. When the fund is closed, or, in other words, the rate of interest reduced, then will be the time for a reconsideration of this particular point; for unmarried contributions will from that time quickly diminish for want of new entrants to the list of bachelors, but not before then. That is why I propose that the reduction calculated on the contingent contributions be allowed on all payments until the date of publication of the next quinquennial valuation.

Now, it is probable that no reduction of contributions can be effected much earlier than May or June next, and my surplus of 212,000*l.* will by then, at 4½ per cent interest per annum payable half yearly, have accumulated to about 255,000*l.* This sum would provide for a reduction of the contributions for existing wives and children, including the subscriptions of unmarried officers, of between 23 and 24 per cent. In addition, there are the payments in excess of requirements that will have been made between the date at which this valuation is calculated (31st March 1903) and the date of its publication.

In these circumstances, I recommend, for the consideration of the Secretary of State for India in Council, a reduction on the contributions of 25 per cent. until the date of publication of the next quinquennial valuation

---

ASSURANCE BRANCH.

As in previous years, the result of the valuation is satisfactory. The following is an abstract thereof :—

Assets.	Rs.	*Liabilities.*	Rs.
Balance, 31st March 1903	1,58,476	Valuation of assurances	1,86,390
Outstanding premiums	38,181	Outstanding assurances	1,500
		Surplus	8,767
	1,96,657		1,96,657

The surplus represents about 4⅔ per cent. on the liabilities.

A table of additional donations on marriage according to the officer's age and to the difference of age between husband and wife in each class is hereto annexed.

On the supposition of the Secretary of State's approval of the proposed alterations, Table III of the Regulations would be followed by Table III, A., as under:

TABLE III, A.—EXCESS AGE DONATIONS.

In addition to the marriage donations payable under Table III, the following "Excess age" donations will be chargeable according to the officer's age in each class:

Class V., 1*l.* 10*s.* for each year of age exceeding 30.

Class IV., 3*l.* for each year of age exceeding 35.

Class III, 6*l.* for each year of age exceeding 42.

Class II., 9*l.* for each year of age exceeding 48.

Class I., 12*l.* for each year of age exceeding 53.

Also the note headed "Disparity of Age" at the foot of Table III of the Regulations, would require to be altered as follows:

"Disparity of Age."

"If the age of the husband exceed that of the wife by 12 or more years, an additional donation will be required as shown in Table IV."

The existing disparity table would, of course, be of no further use.

With reference to the payment of donations in 12 monthly instalments, there appears to be some considerable waste of time in the process of adding interest each month on the unpaid instalments. This may be entirely avoided by showing in the Rules the equivalent monthly payments. The following alterations would then become necessary:

Regulation II should read:

"Donations may be paid in one sum or in 12 equal monthly instalments as per Tables III and V. The balance of any contribution due at an officer's death will be recovered rateably from the pensions of his widow and orphans in 12 monthly instalments in India or four quarterly instalments in England."

Table III should read as under:

TABLE III.—DONATIONS OF MARRIED OFFICERS.

CLASS OF CONTRIBUTOR.	ON ENTERING THE SERVICE OF THE GOVERNMENT OF INDIA, OR ON MARRIAGE OR RE-MARRIAGE.		ON PROMOTION TO A HIGHER CLASS.	
	Donation.	Or in 12 monthly instalments of	Donation.	Or in 12 monthly instalments of
	£	£ s. d.	£	£ s. d.
I	384	32 13 4	72*	6 2 6†
II	192	15 6 8	36	3 1 3
III	96	8 3 4	24	2 0 10
IV	48	4 1 8	12	1 0 5
V	24	2 0 10	—	—

* Up to the age of 56, increasing by 3*l.* for every year or fraction of a year beyond that age.

† Up to the age of 56, increasing by 5*s* 1*d*. for every year or fraction of a year beyond that age.

TABLE V.—DONATION, PAYABLE BY ALL CLASSES ALIKE, ON THE BIRTH OF A CHILD AND, ON ENTERING THE SERVICE OF THE GOVERNMENT OF INDIA, FOR EACH CHILD THEN LIVING.

—	Donation.	Or by 12 monthly instalments of
	£ s. d.	£ s. d.
For a son	15 0 0	1 5 6
For a daughter	24 0 0	2 0 10

All officers who, on admission as subscribers, bring on liabilities for daughters exceeding the age of one year, are required to pay an extra donation as specified below:

Between the ages of	Donation.	Or by 12 monthly instalments of
	£ s. d.	£ s. d.
1 and 2	4 10 0	0 7 8
2 " 3	6 15 0	0 11 6
3 " 4	8 5 0	0 14 0
4 " 5	9 5 0	0 15 9
5 " 6	10 0 0	0 17 0
6 " 7	10 5 0	0 17 5
7 " 8	10 10 0	0 17 10
8 " 9	10 15 0	0 18 3
9 " 10	10 15 0	0 18 3
10 " 11	10 15 0	0 18 3
11 " 12	10 15 0	0 18 3

WILLIS BROWNE.

15th August 1906.

INDIAN MILITARY SERVICE FAMILY PENSIONS.

Valuation as at 31st March 1903.

Assets.	£
Capital	1,492,015
Contingent Contributions :—	
Wives	877,522
Daughters	58,166
Sons	14,100
Potential Contributions :—	
Future wives. Bachelors and widowers, first and subsequent marriages	595,008
Future wives. Married officers	45,587
Future children. Bachelors and widowers, first and subsequent marriages.	194,919
" " Married officers by existing wives	158,170
" " " " by future wives	13,197
Unmarried subscriptions	*176,787
Outstanding contributions	18,913
	£3,644,384

Liabilities.	£
Incumbent :—	
Widows	376,534
Daughters	168,199
Sons	32,463
Contingent :—	
Wives	1,140,377
Widows unmarried	8,778
Daughters	296,457
Sons	32,141
Potential :—	
Future wives. Bachelors and widowers, first and subsequent marriages ...	530,626
" " Married officers	48,250
Future children. Bachelors and widowers, first and subsequent marriages ...	325,407
" " Married officers by existing wives	264 010
" " " " by future wives	22,032
Loss of half subscriptions during furlough, &c.	93,054
Sums due on account of pensions	9,966
Expenses of management	84,034
Surplus	212,056
	£3,644,384

* Including future unmarried subscriptions from existing married officers.

15th August 1906.

WILLIS BROWNE.

TABLE IV—DISPARITY OF AGE.

Fines Payable by Members for Disparity of Age between Husband and Wife.

Class I.

Age of Husband.	YEARS DIFFERENCE OF AGE—MALE THE ELDER.																		Age of Husband
	12 and under 13.	13 and under 14.	14 and under 15.	15 and under 16.	16 and under 17	17 and under 18.	18 and under 19	19 and under 20.	20 and under 21.	21 and under 22.	22 and under 23	23 and under 24	24 and under 25.	25 and under 26	26 and under 27	27 and under 28.	28 and under 29.	29 and under 30.	30 and under 31.	
	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£	
46	23	33	41	51	59	67	74	80	86	91	95	98	100	100	100	100	100	100	100	46
47	25	36	46	55	65	73	81	88	95	101	106	110	113	115	115	115	115	115	115	47
48	27	39	50	61	70	80	89	97	101	112	117	122	126	129	131	132	132	132	132	48
49	28	42	54	66	77	80	96	105	113	122	128	134	140	144	147	149	149	149	149	49
50	30	45	58	71	86	94	103	114	123	132	139	147	153	158	162	165	167	168	168	50
51	32	47	61	75	88	101	112	121	132	142	150	153	165	172	177	181	184	186	185	51
52	33	49	64	79	93	107	119	131	140	152	161	169	177	185	191	199	200	203	205	52
53	34	51	67	83	98	112	126	139	150	161	171	181	189	197	205	211	216	220	222	53
54	35	52	69	86	101	117	132	146	158	170	180	191	201	210	217	225	231	236	239	54
55	36	54	71	89	106	122	138	152	166	179	192	206	212	222	231	238	245	251	256	55
56	37	55	73	91	109	126	142	158	173	188	201	213	222	234	243	252	259	266	272	56
57	38	57	75	94	112	130	147	164	180	195	210	223	235	244	256	265	273	280	287	57
58	39	58	78	97	115	124	152	170	187	203	218	226	246	258	267	279	288	296	303	58
59	41	60	80	100	118	138	156	175	193	210	227	242	257	270	282	291	302	311	319	59
60	42	62	82	102	122	141	161	180	199	217	234	249	267	281	278	306	315	326	334	60

Class II.

YEARS DIFFERENCE OF AGE—MALE THE ELDER.

Age of Husband.	12 and under 13	13 and under 14.	14 and under 15	15 and under 16.	16 and under 17.	17 and under 18.	18 and under 19.	19 and under 20.	20 and under 21.	21 and under 22.	22 and under 23	23 and under 24.	24 and under 25.	25 and under 26.	26 and under 27.	27 and under 28.	28 and under 29.	29 and under 30.	30 and under 31.	Age of Husband
	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£	
40	28	33	37	40	42	44	45	45	45	45	45	45	45	45						40
41	31	36	41	45	48	51	53	54	54	54	54	54	54	54	54					41
42	35	40	46	50	54	58	63	61	63	64	64	64	64	64	64	64				42
43	39	45	51	55	61	65	68	71	73	75	75	75	75	75	75	75	75			43
44	42	49	56	61	67	72	75	80	83	85	86	80	86	86	86	86	86	85		44
45	47	53	61	67	73	79	84	88	92	96	98	101	101	101	101	101	101	101	101	45
46	50	59	65	73	80	86	92	97	102	106	10[illegible]	111	113	113	113	113	113	113	113	46
47	54	63	72	79	87	93	100	106	111	116	120	123	126	127	128	128	128	128	128	47
48	57	67	77	86	92	101	108	114	120	126	131	135	138	141	142	143	143	143	143	48
49	60	71	81	91	100	107	128	123	129	136	141	146	151	154	157	158	159	159	159	49
50	63	75	86	96	109	115	123	131	139	146	152	158	163	167	171	173	174	175	175	50
51	66	78	93	101	112	122	131	138	147	155	102	163	174	179	184	187	189	191	191	51
52	68	81	93	106	117	128	138	147	155	165	172	179	185	191	196	202	204	206	207	52
53	70	83	96	103	122	133	144	155	164	173	181	189	196	202	208	213	217	221	223	53
54	72	85	99	113	126	138	150	161	172	182	189	199	205	213	223	226	231	235	238	54
55	74	88	104	117	130	143	156	163	180	193	200	212	217	225	232	238	244	248	252	55
56	76	91	106	120	134	148	161	175	187	198	209	219	227	236	243	250	257	262	267	56
57	73	93	108	124	138	153	167	181	191	205	218	228	238	245	255	263	269	275	281	57
58	81	96	112	128	143	157	172	187	201	214	226	233	249	259	266	275	283	284	295	58
59	83	99	115	132	147	102	177	193	207	221	235	247	259	269	279	287	295	303	309	59
60	86	109	119	135	151	167	183	199	214	229	243	255	269	281	278	301	308	317	324	60

Class III.

Age of Husband.	Years difference of Age—Male the Elder.																			Age of Husband.
	12 and under 13.	13 and under 14.	14 and under 15.	15 and under 16.	16 and under 17.	17 and under 18.	18 and under 19.	19 and under 20.	20 and under 21.	21 and under 22	22 and under 23.	23 and under 24.	24 and under 25.	25 and under 26.	26 and under 27.	27 and under 28.	28 and under 29.	29 and under 30.	30 and under 31.	
	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£	
35	10	10	10	10	10	10	10	10	10											35
36	13	14	14	14	14	14	14	14	14	14										36
37	15	17	18	18	18	18	18	18	18	18	18									37
38	18	20	22	23	23	23	23	23	23	23	23	23								38
39	20	23	26	27	29	29	29	29	29	29	29	29	29							39
40	22	25	28	31	33	34	35	35	35	35	35	35	35	35						40
41	24	28	32	35	37	39	41	41	41	41	41	41	41	41	41					41
42	27	31	35	39	42	44	46	48	49	49	49	49	49	59	49	49				42
43	30	34	39	43	47	50	53	55	56	57	57	57	57	47	57	57	57			43
44	32	38	43	47	51	55	59	61	64	65	66	66	66	66	66	65	66	66		44
45	36	41	47	51	56	61	65	63	71	74	75	76	77	77	77	77	77	77	77	45
46	39	45	50	56	61	66	71	75	78	82	84	86	87	87	87	87	87	87	87	46
47	42	49	55	60	67	72	77	81	86	90	92	95	97	98	98	98	98	98	98	47
48	44	52	59	66	71	78	83	88	93	97	101	104	107	108	110	110	110	110	110	48
49	47	55	63	70	77	82	99	94	100	105	109	113	116	119	121	122	122	122	122	49
50	49	58	66	74	84	89	91	101	107	112	117	121	125	129	131	133	134	135	135	50
51	50	60	69	78	86	94	101	107	113	120	125	129	134	138	141	144	146	147	147	51
52	52	62	72	81	90	98	106	113	119	127	132	138	143	147	151	156	157	159	160	52
53	54	64	74	84	94	102	111	119	126	133	139	145	151	156	160	164	167	170	171	53
54	55	66	76	87	97	106	116	124	132	140	146	153	159	164	160	174	177	180	183	54
55	57	68	79	90	100	110	120	129	138	146	154	163	167	[illegible]	178	183	187	191	194	55
56	59	70	81	92	103	114	124	134	144	153	161	168	174	182	187	193	197	202	205	56
57	60	72	83	95	106	118	129	139	149	159	168	176	183	190	196	202	207	212	216	57
58	62	74	86	98	110	121	133	144	154	164	174	179	191	193	205	212	217	222	227	58
59	64	76	89	101	113	125	137	148	159	170	181	190	199	207	215	221	228	233	238	59
60	66	79	92	104	117	129	141	153	165	176	187	196	207	216	214	232	237	244	249	60

CLASS IV.

Age of Husband.	Years difference of Age—Male the Elder.																			Age of Husband.
	12 and under 13.	13 and under 14.	14 and under 15.	15 and under 16.	16 and under 17.	17 and under 18.	18 and under 19.	19 and under 20.	20 and under 21.	21 and under 22.	22 and under 23.	23 and under 24.	24 and under 25.	25 and under 26.	26 and under 27.	27 and under 28.	28 and under 29.	29 and under 30.	30 and under 31.	
	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£	
33																				33
34																				34
35	7	7	7	7	7	7	7	7	7											35
36	9	10	10	10	10	10	10	10	10	10										36
37	11	12	13	13	13	13	13	13	13	13	13									37
38	13	14	15	16	16	16	16	16	16	16	16	16								38
39	14	16	18	19	20	20	20	20	20	20	20	20	20							39
40	15	18	20	22	23	24	25	25	25	25	25	25	25	25						40
41	17	20	22	25	26	27	29	29	29	29	29	29	29	29	29					41
42	19	22	25	27	29	31	32	34	34	34	34	34	34	34	34	34				42
43	21	24	27	30	33	35	37	39	39	40	40	40	40	40	40	40	40			43
44	22	27	30	33	36	39	41	43	45	46	46	46	46	45	46	45	46	46		44
45	25	29	33	36	39	43	46	48	50	52	53	53	54	54	54	54	54	54	54	45
46	27	32	35	39	43	46	50	53	55	57	59	59	61	61	61	61	61	61	61	46
47	29	34	39	42	47	50	54	57	60	63	64	70	68	69	69	69	69	69	69	47
48	31	36	41	46	49	55	58	62	65	68	71	73	75	76	77	77	77	77	77	48
49	33	39	44	49	54	57	59	67	70	74	76	79	81	83	85	85	85	85	85	49
50	34	41	46	52	59	64	65	71	75	78	82	85	88	90	92	93	94	95	95	50
51	35	42	48	56	60	66	71	75	79	84	88	91	94	97	99	101	102	103	103	51
52	36	43	50	57	63	69	74	79	83	89	92	97	100	103	106	109	110	111	112	52
53	38	45	52	59	66	71	78	83	88	93	97	102	106	109	112	115	117	119	120	53
54	39	46	53	61	68	74	81	87	92	98	102	107	111	115	118	122	124	126	128	54
55	40	48	55	63	70	77	84	90	97	102	108	114	117	121	125	128	131	134	136	55
56	41	49	57	64	72	80	87	94	101	107	113	118	122	127	131	135	138	141	144	56
57	42	50	58	67	74	83	90	97	104	111	118	123	128	1 3	139	141	145	148	151	57
58	43	52	60	69	77	85	93	101	108	115	122	125	134	139	144	155	152	155	159	58
59	45	53	61	71	79	88	96	104	111	119	127	133	139	145	151	155	160	163	167	59
60	46	55	64	73	82	90	99	107	116	123	131	137	145	151	150	162	166	171	174	60

CLASS V.

Age of Husband.	Years difference of Age—Male the Elder.																			Age of Husband.
	12 and under 13.	13 and under 14.	14 and under 15.	15 and under 16.	16 and under 17.	17 and under 18.	18 and under 19.	19 and under 20.	20 and under 21.	21 and under 22.	22 and under 23.	23 and under 24.	24 and under 25.	25 and under 26.	26 and under 27.	27 and under 28.	28 and under 29.	29 and under 30.	30 and under 31.	
	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£	
33																				33
34																				34
35	4	4	4	4	4	4	4	4	4											35
36	5	6	6	6	6	6	6	6	6	6										36
37	6	7	7	7	7	7	7	7	7	7	7									37
38	7	8	9	9	9	9	9	9	9	9	9	9								38
39	8	9	10	11	12	12	12	12	12	12	12	12	12							39
40	9	10	11	12	13	14	14	14	14	14	14	14	14	14						40
41	10	11	13	14	15	10	16	16	16	16	16	16	16	10	16					41
42	11	12	14	16	17	18	18	19	20	20	20	20	20	20	20	20				42
43	12	14	16	17	19	20	21	22	22	23	23	23	23	23	23	23	23			43
44	13	15	17	19	20	22	24	24	26	26	26	26	26	26	26	26	20	26		44
45	14	16	19	20	22	24	26	27	28	30	30	30	31	31	31	31	31	31	31	45
46	16	18	20	22	24	26	28	30	31	33	34	34	35	35	35	35	35	35	35	46
47	17	20	22	24	27	29	31	32	34	36	37	38	39	39	39	39	39	39	39	47
48	18	21	24	26	28	31	33	35	37	39	40	42	43	43	44	44	44	44	44	48
49	19	22	25	28	31	33	40	38	40	42	44	45	46	48	48	49	49	49	49	49
50	20	23	26	30	34	36	38	40	43	45	47	48	50	52	52	53	54	54	54	50
51	20	24	28	31	34	38	40	43	45	48	50	52	54	55	56	58	58	59	59	51
52	21	25	29	32	36	39	42	45	48	51	53	55	57	59	60	62	63	64	64	52
53	22	26	30	34	38	41	44	48	50	53	56	58	60	62	64	66	67	68	68	53
54	22	26	30	35	39	42	46	50	53	56	58	61	64	66	68	70	71	72	73	54
55	23	27	32	35	40	44	48	52	55	58	62	65	67	69	71	73	75	76	78	55
56	24	28	32	37	41	46	50	54	58	61	64	67	70	73	75	77	79	81	82	56
57	24	29	33	38	42	47	52	56	60	64	67	70	73	76	78	81	83	85	86	57
58	25	30	34	39	44	48	53	58	62	66	70	72	76	80	82	85	87	89	91	58
59	26	30	36	40	45	50	55	59	64	68	72	76	80	83	86	88	91	93	95	59
60	26	32	37	42	47	52	56	01	65	70	75	78	83	86	86	93	95	98	98	60

WILLIS BROWNE.

15th August 1906.

Enclosure No. 2.

REPORT by Mr. Stanley Day, F. I. A., dated 15th April 1907.

Indian Military Service Family Pensions.

1. In accordance with instructions received from the Secretary of State for India in Council, dated 5th December 1906, I have carefully perused and examined Mr. Willis Browne's Report on, and Valuation of, the Assets and Liabilities of the Indian Military Service Family Pension Scheme as at the 31st March 1903.

2. I note with satisfaction, from Sir Arthur Godley's letter of 16th November 1906, that for the purposes of this valuation interest at the rate of 4½ per cent. per annum may be assumed instead of 3½ per cent. as at the last two quinquennial valuations. This makes the valuation much easier and the results more logical, as the contributions and donations for the benefits have all been calculated on a 4½ per cent. basis; but, while we are allowed to assume the rate of 4½ per cent. in the valuation for the present, it is my duty to point out that the valuation as made assumes that 4½ per cent. interest will be credited until the termination of the last reversionary annuity to be granted under the regulations to the widow or child of any existing subscriber. In plain language, we are looking a very long time ahead.

3. It is difficult to see how a change from 4½ per cent. to 3½ per cent. can ever be satisfactorily effected in such a scheme as we are dealing with.

The regulations provide, amongst other things,—

That the contributions shall be made as exact as possible, neither too large nor too small;

That if they are found to be insufficient, no retrospective payments shall be required;

That the benefits of the scheme are not to be at the cost of the Government; and

That the rates of interest and exchange to be allowed are to be fixed by the Secretary of State for India in Council on consideration of the market rates of the day.

Now if the rates of contribution are raised all round sufficiently to allow of their accumulations at 3½ per cent. interest being equated to the benefits contemplated, there must still be the deficit on past short payments. This deficit (being really a debt) will grow at cumulative interest, and neither the Government nor the contributors can be required to set it right. To raise future contributions to such a level as would meet future benefits on a 3½ per cent scale, and also pay up arrears, would not only appear to be contrary to the regulations but would place the Government in the position of demanding enforced contributions on an excessive scale.

4. I see that Mr. Willis Browne has, with one exception, adopted the rates of marriage and mortality used in the valuation of 1898, the exception being the mortality of officers contributing, where the fuller experience of the five additional years justifies the alteration. The rate of mortality of the officers contributing has of course, a very important bearing on the scheme, and an alteration in it necessitates the recalculation of nearly all the monetary tables used. All questions of mortality in such a pension scheme as this are of great interest, but the variations of mortality tables are as nothing in their effect on the fund when compared with the effect of an alteration in the rate of interest from 3½ per cent. to 4½ per cent. or *vice versâ*.

5. Mr. Willis Browne's assumptions and methods of working are sound and cautious, and I desire to express at once my general agreement with the results he has obtained.

6. The surplus shown of 212,056*l.* is indeed handsome when compared with the deficits shown on the last two investigations, but it must be remembered that these deficits were shown on the assumption of 3½ per cent. interest only.

7. The surplus arrived at is obtained after bringing into account the assets and liabilities in respect of what are known as "Potential Benefits," and while I see no reason to distrust the figures for these, I do not think that the same attention should be paid to calculations for very distant benefits (which may never come into operation at all) as to the calculations for immediate and contingent pensions.

8. I have not been content with looking at the scheme as one combined scheme for wives and children. I was anxious to see whether each branch were self-supporting, and have therefore taken out the Quinquennial Accounts of Receipts and Payments for the last 15 years, dividing them under their respective headings for wives and children. The figures in the following schedule are very instructive. They are not to be taken as absolutely accurate, but they are a close approximation :—

INDIAN MILITARY PENSIONS.—QUINQUENNIAL REVENUE ACCOUNTS.

Wives.

Period	1888-93.	1893-98.	1898-1903.
	£	£	£
Fund at beginning of period	241,990	420,300	685,414
Subscriptions and donations on marriage and promotion...	158,473	222,921	310,600
Interest on arrears	808	1,204	1,160
Deduct refunds	—1,780	—1,422	—3,614
Interest apportioned	71,022	120,505	189,465
Net receipts ...	228,523	343,208	497,611
Annuities	44,762	72,090	119,741
Refunds on withdrawal	138	398	738
Management charges apportioned	5,313	5,606	9,297
Total payments ...	50,213	78,094	129,776
Net income ...	178,310	265,114	367,[illegible]
Fund at end of period	420,300	685,414	1,053,249

Children.

Period	1888-93.	1893-98.	1898-1903.
	£	£	£
Fund at beginning of period	137,358	219,317	321,893
Donations and subscriptions for children	38,538	45,446	50,006
Bachelors' subscriptions	34,958	45 348	56,832
Rate in aid	3 060	880	920
Interest on arrears	414	648	424
Deduct refunds	—1,281	—429	—1,632
Interest apportioned	38,234	58,606	8[illegible],117
Net receipts ...	113,923	150,499	183,667
Children's annuities	29,467	45,275	67,967
Refunds on withdrawal	185	435	376
Management charges apportioned	2,312	2,213	3,451
Total payments ...	31,964	47,923	71,794
Net income ...	81,959	102,576	116,873
Fund at end of period	219,317	321,893	438,766

9. This division between wives and children shows on the 31st March 1903 a balance of 1,053,249*l.* for wives, and 438,765*l.* for children, and if we distinguish in Mr. Willis Browne's valuation balance sheet between wives and children, allotting to each the proper proportion of expenses, amounts due, etc., we shall find that for wives there is a surplus of 336,334*l.*, while for children there is a deficiency of 124,278*l.* Deducting from the wives' surplus the children's deficiency, we have, of course, Mr. Willis Browne's net surplus of 212,056*l.*

10. The contributions for children, even on a 4½ per cent. basis, are insufficient to meet the liabilities, and seriously threaten the permanency of the scheme. Five years ago a reversion to the full rates of donation and subscription (previously reduced by 16⅔ per cent.) was sanctioned, but more remains to be done, and an increase of the contributions must be faced, especially if the bachelor subscribers are to enjoy with the married officers some relief by the reduction of their subscriptions.

11. These subscriptions of bachelors are of great importance to the children's section and a reference to the consolidated revenue account of the past 15 years will show that the bachelors' subscriptions are of approximately the same amount as the donations and subscriptions from the fathers.

12. A great blot in the regulations appears in requiring fathers of all ages to pay identical donations and subscriptions for their children. This will be seen to be wrong on a moment's reflection, for not only is the cost of the reversionary pension to a newly born child greater when the father is advanced in years, but the value of the contributions at the moment of birth is also the less owing to the father's increased age.

13. The present contributions required from a father of any age are, for a male infant, a subscription (for 21 years or until the death of either) of 1*l*. 3*s*. a year and a donation of 15*l*.; and, for a female infant, a subscription of 2*l*. 18*s*. a year during their joint lives or until the daughter's marriage) and a donation of 24*l*. After making due allowance for contributions in aid from the bachelor subscribers, and retaining the same annual subscriptions as above, I find that, for a son just born, a donation of 10*l*. should be paid by a father of 25 years of age, while a donation of 38*l*. should be paid by a father of 55 years of age; for a daughter just born the donation should be 30*l*. from a father of 25 years of age, and 101*l*. from a father of 55 years of age.

14. From this it appears that, on account of sons, young fathers are required to make over payments for the benefit of older fathers who are naturally in a better pecuniary position. For daughters, this same unsatisfactory anomaly exists, but with this modification, that no father, however young, appears to pay enough to prevent a liability being thrown on the fund by the birth of a child.

15. I append a schedule showing the donations which should be required from fathers of various ages if the present rates of subscription are retained:—

Father's Age.	For Sons.			For Daughters.		
	Present Yearly Subscription.	Present Donation.	Donation that should be required.	Present Yearly Subscription.	Present Donation.	Donation that should be required.
Years.	£ s. d.	£	£	£ s. d.	£	£
25	1 3 0	15	10	2 18 0	24	30
30	1 3 0	15	11	2 18 0	24	34
35	1 3 0	15	12	2 18 0	24	39
40	1 3 0	15	16	2 18 0	24	51
45	1 3 0	15	22	2 18 0	24	65
50	1 3 0	15	28	2 18 0	24	80
55	1 3 0	15	38	2 18 0	24	101

16. The old donations and subscription for sons do not appear to be far wrong in the aggregate, and if the new donations, in accordance with the father's age are charged, as above, the old subscriptions might be retained.

17. For girls I suggest that the subscriptions should be raised from 2*l*. 18*s*. to 4*l*. 2*s*. and donations charged in accordance with the father's age, as follows:—

Father's Age.	Donation.
Years.	£
25	13
30	19
35	24
40	37
45	52
50	68
55	90

It will be noticed that at age 35 (about the average age of a father at the birth of a child) the old donation for a girl is retained.

This increase in the subscriptions for daughters seems to be convenient, as it lightens the donation to be required from young fathers.

18. I suggest that these now rates be made applicable to existing as well as to new subscriptions, and any small excess donations paid by existing subscribers may properly go towards the reduction of the deficit shown in the children's section. The new subscriptions and donations set out above are only intended to keep the fund right for the future, they will not extinguish the existing deficit. This deficit, unless taken in hand at once, must continue to grow, and to meet it recourse must be had to the surplus shown in the wives' section.

19. n the above, I have assumed $4\frac{1}{2}$ per cent. interest, the experience of the fund as to mortality and marriage, and that the bachelors' subscriptions will provide one-third part of the cost of the pensions. Interpolation will supply the rates for intermediate ages.

20. It is interesting to note that the cost of a reversionary pension to a girl at birth is approximately three times the costof a pension to a boy, for all ages of the father.

21. I should much like to see the "Potentials" excluded from the valuation balance sheet, and with them values of the future subscriptions from bachelors; it appears to me that with these new rates this may safely be done as long as (1) the present rate of interest is maintained; (2) the rates of marriage and mortality do not differ widely from those assumed; and (3) the con tributions from bachelors are not less than one-half of the subscriptions and donations receiveable year by year from the fathers.

22. In respect of wives, also, "Potentials" might be omitted with advantage so long as the rate of interest is maintained and the rates of marriage and mortality are not greatly varied.

23. Turning to the wives' section, Mr. Willis Browne's new disparity table, making allowance for difference of age between husband and wife, is undoubtedly an improvement, as also the charge on marriage for excess of age of the husband over the average of his class.

24. On a future valuation an additional reserve should be made in respect of the disparity donations paid. The husband's age is the dominant factor in the valuation during married life, the wife's age being assumed to differ from his by not more than a certain number of years. If the difference is great a disparity donation is required on marriage, and this should be held in reserve and accumulated during their joint existences.

25. In keeping the half-yearly accounts, the donations received from married officers should be separated into marriage, promotion, disparity, and excess age donations, for the actuary's guidance.

26. I assume that the new rates of subscription and donation suggested for children will be adopted, or, at any rate, that some improvement will be made on the present ill-adjusted (and, for the girls, inadequate) contribution, otherwise there will be little justification for reducing the bachelors' subscriptions as I should desire. On this assumption, it appears to me that a reduction could be made in the subscriptions and donations of married officers, and in the subscriptions of bachelors, of 10 per cent., and as long as the scheme is maintained on the present basis of $4\frac{1}{2}$ per cent. interest, this reduction might be expected to be permanent, though I am aware from the regulations that all contributions are subject to revision from time to time. I estimate that this reduction would absorb about 160,000*l.* of the surplus shown. A further reduction of 15 per cent. of these contributions could be made for the next five years, which I estimate would cost about 74,000*l.*; but this further reduction must be looked upon as of a temporary nature only.

27. The cost of this relief to subscribers will therefore be about 234,000*l.*; and while it is in excess of the valuation surplus of 212,056*l.* shown, it is well within the amount to which that surplus must have grown at interest since the nominal date of the valuation, *viz.*, 31st March 1903.

28. Summarising, I recommend :—

(1) A new scale of contributions for children, with a donation in accordance with the age of the father, to take effect as soon as may be convenient.

(2) A reduction of 25 per cent. in the annual subscriptions of husbands and bachelors, and in the promotion and marriage donations, to take effect forthwith and to continue until the publication of the next Quinquennial Report.

STANLEY DAY.

14, Leadenhall Street, London, E. C.,

15th April 1907.

Enclosure No. 3.

INDIAN MILITARY SERVICE FAMILY PENSIONS.

Receipts and Payments each Half year from 1st April 1898 to 31st March 1903.

Receipts.

Half-year ended.	In India.	In England.	Total.
	£ s. d.	£ s. d.	£ s. d.
30th September 1898	25,603 17 7	6,740 5 6	33,341 3 1
31st March 1899	28,819 8 1	8,558 11 11	37,378 0 0
30th September 1899	26,562 13 3	9,174 4 9	35,736 18 0
31st March 1900	32,364 19 10	8,487 5 6	40,852 5 4
30th September 1900	28,287 11 0	8,515 17 6	36,803 8 6
31st March 1901	29,390 6 8	8,490 14 11	37,881 1 7
30th September 1901	27,583 0 7	9,493 13 4	37,076 13 11
31st March 1902	41,946 11 3	12,128 11 4*	54,075 2 7
30th September 1902	34,576 11 7	12,536 0 10	47,112 12 5
31st March 1903	41,703 17 0	12,732 5 10	54,436 2 10
Total ...	317,838 16 10	96,857 11 5	414,696 8 3

*Includes voluntary donation of 180*l.*

Payments.

Half-year ended	In India.	In England.	Total.
	£ s. d.	£ s. d.	£ s. d.
30th September 1898	1,459 16 10	15,102 4 9	16,562 1 7
31st March 1899	1,734 14 5	15,747 1 0	17,481 15 5
30th September 1899	1,489 6 10	16,360 19 5	17,850 6 3
31st March 1900	1,683 5 11	16,761 5 4	18,414 11 3
30th September 1900	1,520 12 8	17,741 6 4	19,261 19 0
31st March 1901	1,621 14 1	18,538 15 9	20,160 9 10
30th September 1901	1,808 9 3	19,707 1 11	21,515 11 2
31st March 1902	2,369 13 0	20,514 5 8	22,883 18 8
30th September 1902	2,028 0 10	21,156 13 11	23,184 14 9
31st March 1903	2,246 3 0	21,977 12 8	24,223 15 8
Total ...	17,963 16 10	183,607 6 9	201,571 3 7

Financial (Funds) Despatch of the 17th May 1901, No. 3, published in the *Gazette of India* of the 22nd June 1901, ordered the reversion to the original rates of donations and subscriptions, from which a temporary reduction of 10½ per cent. had been allowed since the 1st August 1890. The original rates were reverted to from the 1st July 1901.

INDIAN MILITARY SERVICE

Consolidated Account of Receipts and Expenditure (India

	In India.	In England.	Total.	£ s. d.
Balance on 31st March 1898				1,007,307 15 4
Interest allowed on half-yearly balances at 4½ per cent. per annum from 1st April 1898 to 31st March 1903.				271,582 0 [illegible]
RECEIPTS.				
From Married Officers.	£ s. d.	£ s. d.	£ s. d.	
Donations on marriage, &c. ...	50,566 2 7	18,423 15 10	68,989 18 5	
Subscriptions	186,889 6 2	54,720 4 4	241,609 10 6	
" commuted	...	...	...	
Interest on arrears	905 4 2	254 17 2	1,160 1 4	
	238,360 12 11	73,398 17 4	311,759 10 3	
Less refunds of excess payments ...	2,871 12 2	742 5 11	3,613 18 1	
	235,489 0 9	72,656 11 5	308,145 12 2	
				308,145 12 2
Voluntary donation	......	180 0 0	......	180 0 0
On Account of Children.				
Sons:—				
Donations	4,922 7 11	1,182 6 2	6,104 14 1	
Subscriptions	5,275 8 2	2,764 10 0	8,039 18 2	
" commuted ...	......	......	......	
Daughters:—				
Donations	10,040 13 8	1,917 14 5	11,958 8 1	
Subscriptions	14,575 2 9	9,327 13 11	23,902 16 8	
" commuted ...	......	......	......	
Unmarried subscriptions	47,885 18 7	8,857 3 1	56,743 1 8	
" commuted ...	......	88 5 10	88 5 10	
"Rate in aid" donations from Royal Artillery and Royal Engineer officers.	681 5 0	60 0 0	741 5 0	
Interest on arrears	340 18 10	82 19 10	423 18 8	
	83,721 14 11	24,280 13 3	108,002 8 2	
Less refunds of excess payments ...	1,371 18 10	259 13 3	1,631 12 1	
	82,349 16 1	24,021 0 0	106,370 16 1	
				106,370 16 1
			£	1,693,586 3 8

FAMILY PENSIONS.

and England) for the Five Years ended 31st March 1903.

PAYMENTS.

—	In India.	In England.	Total.	£ s. d.
	£ s. d.	£ s. d.	£ s. d.	
Annuities:—				
Widows	7,115 5 9	112,625 17 4	119,741 3 1	
Sons	768 2 11	20,958 19 7	21,727 2 6	
Daughters	1,614 12 8	43,779 10 2	45,394 2 10	
Sons, under Rule 21	117 0 0	729 0 0	846 0 0	
Refunds on withdrawal.				
To married officers	...	738 9 3	738 9 3	
On account of children	56 6 10	319 18 1	376 4 11	
Charges of management	8,222 8 8	4,245 12 4	12,538 1 0	
Report by actuary	...	210 0 0	210 0 0	
Total ...	17,963 16 10	183,607 6 9	201,571 3 7	201,571 3 7
Balance on 31st March 1903				1,492,015 0 1
£				1,693,586 3 8

INDIAN MILITARY SERVICE FAMILY PENSIONS.

Consolidated Accounts of Receipts and Expenditure (Insurance Branch) for the Five Years ended 31st March 1903.

		Rs. A. P.		Rs. A. P.
Balance on 31st March 1898		68,844 0 7	Nine insurances paid	15,500 0 0
Interest allowed on half-yearly balances at 3½ per cent. per annum from 1st April 1898 to 31st March 1903		17,975 3 3	Surrender values of 18 insurances for Rs. 26,500 paid ...	15,714 1 7
Premiums received	97,101 3 11			
Interest on arrears	1,269 6 11			
		98,370 10 10	Balance on 31st March 1903 ...	1,53,975 13 1
	Rs.	1,85,189 14 8	Rs.	1,85,189 14 8

By Financial (Funds) Despatch of the 31st May 1900, No. 4, the limit for an individual insurance was increased from Rs. 1,500 to Rs. 3,000.

By Financial (Funds) Despatch of the 28th June 1901, No. 5, the option of taking the surrender value of an insurance was allowed on the permanent departure of a subscriber from India with his family, or at any time thereafter.

FRANK B. ARMSTRONG,

Director of Funds.

29th January 1904.

MILITARY ACCOUNTS DEPARTMENT.

The 30th August 1907.

No. 1835-*Acc's.*—Owing to the abolition of the Northern, Eastern and Western Army Commands the future designations of the Controllers of Military Accounts will be as follows: —

Controller of Military Accounts,* Northern Circle.

Controller of Military Accounts,† Eastern Circle.

Controller of Military Accounts ‡ Western Circle

Controller of Military Accounts,§ Secunderabad and Burma Circle.

*Comprising the 1st (Peshawar), 2nd (Rawalpindi) and 3rd (Lahore) Divisions, and the three independent Brigades of Kohat, Derajat and Bannu.

†Comprising the 7th (Meerut) and 8th (Lucknow) Divisions.

‡Comprising the 4th (Quetta), 5th (Mhow) and 6th (Poona) Divisions and the Aden Brigade.

§Comprising the 9th (Secunderabad) Division and Burma.

J. B. BRUNYATE,

Offg. Joint Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATIONS.

POST OFFICE.

Simla, the 27th August 1907.

No. 7263-246 —In exercise of the power conferred by section 36, sub-section (1), of the Indian Post Office Act, 1898 (VI of 1898), the Governor General in Council is pleased to direct that the following rule shall be substituted for rule 56 of the rules published with the Notification of the Government of India in the Finance and Commerce Department, No. 1429-C.S R, dated the 30th March 1899, as amended by the Notification in the Department of Commerce and Industry, No. 2648-C., dated the 9th June 1905:

56. The prepayment of all charges on insured foreign registered letters and parcels shall be compulsory. Payment in all cases shall be made by means of postage stamps affixed to the letters or parcels. The stamps must be placed apart from one another, so that they may not serve to conceal injuries to the cover of the letter or parcel. No label of any kind shall be affixed by the sender to the cover of a letter intended for insurance.

B. ROBERTSON,

Offg. Secretary to the Government of India.

FROM THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED AUGUST 31, 1907.

No. 1381-I.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

CIVIL WORKS.

Irrigation.

Simla, the 15th August 1907.

Review of Irrigation in India in 1905-06.

READ—

NOTE by W. F. O'Donoghue Esquire, Accountant-General, Public Works Department, upon the accounts of Revenue and Expenditure of Irrigation Works in India for 1905-06.

Provincial Revenue and Administration Reports of Irrigation Works for 1905-06.

Irrigation Works are divided into two main classes—Major and Minor Works—the former being sub-divided into (I) Productive and (II) Protective Works. Capital and Revenue Accounts are kept for all Major Works and the revenue due to them, whether directly in the form of water-rates and miscellaneous receipts, or, indirectly, on account of enhancements of land revenue due to irrigation, is shown in the Annual Finance Accounts.

A—MAJOR WORKS.

I—Productive Works.

2. The most important irrigation works in India are those classed as Productive Works, or works the capital cost of which has been wholly or mainly provided from loan funds in the expectation that they would prove directly remunerative, and that the net revenue derived from them would fully cover all charges for interest within a reasonable time after their completion. This expectation is never likely to be realized in respect of any of the four works constructed in Bengal, of the seven in Bombay (Deccan and Gujarat) and of the Kurnool-Cuddapah Canal and Barur Tank in Madras. The capital outlay recorded against these thirteen works to the end of the year under review amounted to Rs. 9,82,93,196, on which the net revenue realised during the year yielded a return of 1·53 per cent. compared with 1·32, 0·81, and 0·80, the averages of the past three triennia; the interest charges to the end of the year exceeded the net revenue by Rs. 9,94,90,980, the excess for the year being Rs. 23,27,532; and the area irrigated by these works during the year was 911,728 acres.

3. These unfavourable financial results are, however, more than counterbalanced by those attained on the 28 remaining productive works now in operation, the net revenue on which during the year was equivalent to a return of 9·36 per cent. on the capital outlay. The general financial results of all the works of this class are shown separately by provinces in the following statement. The totals are brought in to comparison with those of the two previous years.

Financial results of Productive Works in operation.

PROVINCE.	Number of works.	Area irrigated.	Capital outlay to end of 1905-06.	Net revenue in 1905-06.	Percentage of net revenue on capital outlay.
Irrigation.		Acres.	Rs.	Rs	
Punjab	8	5,677,536	11,01,51,719	1,20,96,170	10·98
United Provinces of Agra and Oudh	5	3,234,?66	8,83,39,370	52,55,873	5·95
Madras	8	3,014,898	7,26,40,205	68,69,157	9·46
Sind	8	1,393,932	2,53,44,757	19,41,065	7·66
Bombay	7	31,636	1,15,73,433	3,47,410	3·00
Bengal	3	812,208	6,18,26,664	10,16,904	1·64
Do.	*1	..	26,15,154	22,851	0·87
Burma	1	41,839	51,53,534	1,14,076	2·21
Total Imperial	41	14,206,615	37,76,44,836	2,76,64,406	7·32
Native States, Punjab ...	†	485,835	1,52,49,196	8,96,916	5·88
GRAND TOTAL, IMPERIAL AND NATIVE STATES—					
1905-06	41	14,692,450	39,28,94,032	2,85,61,322	7·27
1904-05	41	12,616,767	38,95,91,897	2,95,99,182	7·60
1903-04	41	12,989,801	38,49,40,850	2,85,71,105	7·42

* Hijjli Tidal Canal, which is a purely navigation work.
† Part of the works in the Punjab.

Of the increase of Rs. 33,02,135 in the capital outlay as compared with 1904-05, Rs. 13,63,373 was spent in the Punjab, Rs. 9,84,601 in the United Provinces, Rs. 7,74,1[illegible] in Madras, and the balance in the other provinces.

The net revenue in the Punjab was less than that of the preceding year by Rs. 12,76,559 and was due to the heavy remissions granted on account of the failure of the cotton crop in that Province. In the United Provinces also there was a falling off of Rs. 13,63,075 in the net revenue, due to a serious reduction in the area under sugarcane in consequence of the extensive damage done to the cane seed by the severe frosts in March 1905. Owing, however, to a very material improvement in the revenue realised in the other provinces, the total net revenue is only Rs. 10,37,860 less than that of the preceding year.

4. The irrigated area has been the largest recorded, the increase compared with the preceding year being over two million acres. The steady increase of the area irrigated by the Productive Works in the several provinces is shown in the following table, in which the areas for the year under consideration are compared with those of 1904-05 and the averages of the last three triennia, *i.e.*, 1904-05 to 1896-97. Every province shows a marked increase with the exception of Bombay and Burma, in which provinces there was a very slight decrease as compared with 1904-05 only.

Productive Major Works.

PROVINCE.	AREA IRRIGATED.				
			Average of Triennium.		
	During 1905-00.	During 1904-05.	1902-03 to 1904-05.	1899-1900 to 1901-02.	1896-97 to 1898-99.
	Acres.	Acres.	Acres.	Acres.	Acres.
Punjab	5,677,536	5,281,831	5,000,642	4,012,579	3,305,215
United Provinces ...	3,234,566	1,909,316	2,200,145	2,308,149	2,389,290
Madras	3,014,898	2,940,59[illegible]	2,865,273	2,805,299	2,627,747
Sind	1,393,932	1,201,889	1,178,932	912,802	690,834
Bombay	31,636	31,885	25,140	26,904	30,095
Bengal	812,208	800,227	801,862	761,478	739,620
Burma	41,839	43,719	26,995	...	...
Total Imperial ...	14,206,615	12,209,466	12,098,989	10,827,211	9,782,801
Punjab Native States ...	485,835	407,301	387,423	385,930	424,290
Total ...	14,692,450	12,616,767	12,486,412	11,213,141	10,207,091

5. The areas irrigated by the different works in the Punjab are shown below:

NAME OF CANAL.	AREA IRRIGATED.				
			Average of Triennium.		
	During 1905-06.	During 1904-05.	1902-03 to 1904-05.	1899-1900 to 1901-02.	1896-97 to 1898-99.
	Acres.	Acres.	Acres.	Acres.	Acres.
Western Jumna, Imperial ...	796,246	700,335	619,356	561,433	677,597
Sirhind, Imperial ...	759,008	813,454	771,010	793,312	862,445
Upper Bari Doab ...	1,129,624	955,741	9[illegible]8,763	826,473	784,[illegible]56
Lower Chenab	1,804,619	1,945,675	1,919,186	1,643,959	762,661
Upper Sutlej Canals, including Lower Sohag and Para.	370,983	213,997	248,528	*62,220	*78,532
Sidhnai	163,297	164,589	138,564	103,392	139,823
Lower Jhelum	440,659	305,900	241,357	21,789	...
Indus Inundation Canals† ...	207,100	182,140	133,878	...	...
Total Imperial ...	5,677,536	5,281,831	5,000,642	4,012,578	3,305,214
Sirhind (Native States) ...	425,656	347,416	333,698	341,062	367,140
Western Jumna (Native States)	60,179	59,885	53,725	44,867	57,149
Total ...	6,163,371	5,689,132	5,388,065	4,398,507	3,729,503

* Lower Sohag and Para only.
† Transferred from Minor Works in 1903-04.

The areas irrigated by the Western Jumna, Upper Bari Doab, and Lower Jhelum Canals were the largest on record. Taken collectively also, the area irrigated by the productive works in the Punjab was the largest yet recorded.

The percentages of net revenue on capital outlay for the year are compared in the following statement with those of 1904-05 and of the three triennia 1904 05 to 1896-97:

NAME OF CANAL.	PERCENTAGE.				
			Average of Triennium.		
	1905 06.	1904-05.	1902-03 to 1904-05.	1899 1900 to 1901-02.	1896-97 to 1898-99.
Western Jumna, Imperial ...	9 62	10 07	9·13	9·37	10·70
Sirhind, Imperial ...	7·15	6·86	7·31	8 01	9·27
Upper Bari Doab ...	11·29	12 13	12·56	12·41	12·91
Lower Chenab	20·79	24·48	23 09	14·13	7·44
Upper Sutlej Canals, including Lower Sohag and Para.	4·87	10·37	9·72	*6·17	*7·45
Sidhnai	13·95	25·88	15·08	8·69	16·62
Indus Inundation Canals† ...	5 79	10·04	10·72	...	...
Native States	5·88	5·11	5·74	5·20	6·22

* Lower Sohag and Para only.
† Transferred from Minor Works in 1903-04.

The Lower Jhelum Canal, on which there had been an annual loss in working since it was opened in 1901-02, earned for the first time in the year under review a net revenue of Rs. 1,62,274, equivalent to 1·09 per cent. on the capital outlay. Had it not been for the heavy remissions granted during the year on account of the destruction of the cotton crops by the boll-worm the net revenue would have amounted to Rs. 4,73 094 or 3 2 per cent. on the capital outlay. This canal is not yet fully completed and its irrigation has not reached its normal development.

The total net revenue of the Productive Works in the Punjab fell from Rs. 1,33,72,729 in 1904-05 to Rs 1,20,96,170 in the year under review, which represents a return of 10·98 per cent. on the capital outlay, the decrease being principally due to the remissions of revenue on account of the failure of cotton crop. In spite of these remissions the Western Jumna Canal paid 9 62 per cent. on its capital outlay and the Upper Bari Doab 11 29 per cent. The most remunerative work in the Punjab is, however, the Lower Chenab canal on which the net revenue realised represented a return of 20·79 per cent. against 24·48 per cent. in 1904-05. This canal has still to show developments due to recent extensions and the ultimate percentage of profit has not yet been reached.

6. In the United Provinces of Agra and Oudh the areas irrigated are as below :

Name of Canal.	Area Irrigated.				
	During 1905-06.	During 1904-05.	Average of triennium.		
			1902-03 to 1904-05.	1899-1900 to 1901-02.	1896-97 to 1898-99.
	Acres.	Acres.	Acres.	Acres.	Acres.
Ganges	1,369,393	818,551	889,355	1,030,836	956,286
Lower Ganges, including Fatehpur Branch.	1,151,644	627,925	794,548	732,136	871,130
Agra	343,599	185,297	227,309	238,444	244,442
Eastern Jumna	369 930	277,543	288,933	306,733	307,432
Total ...	3 234,566	1,909,316	2 200,145	2,308,149	2,389,290

Collectively as well as individually the area irrigated by these works was the highest ever recorded. The net revenue, however, from these canals was less than that of the preceding year by Rs. 13,63,075, and represented a return of 5 95 against 7·58, 7·17 and 7·41 per cent., respectively, in 1904-05, 1903-04, and 1902 03.

The relative percentages of profit compared with those of 1904-05 and the past three triennia are given in the following table :

Name of Canal.	Percentage.				
	1905 06.	1904-05.	Average of triennium.		
			1902-03 to 1904-05.	99-1900 to 1901-02.	1896-97 to 1898-99.
Ganges Canal	7·99	9·63	10·01	10·26	9·84
Lower Ganges Canal ...	4·13	4·66	4·10	3·55	5·01
Agra Canal	2·02	5·75	5·79	5 52	6·06
Eastern Jumna Canal ...	18·53	22·82	23·16	25·31	29·66

As in other years, the highest percentage was yielded by the Eastern Jumna Canal, which is the most remunerative work in the United Provinces.

7. The following statement shows the area irrigated in the Madras Presidency in 1905-06, compared with that of the previous year and the averages of the past three triennia :

Name of Canal.	Area Irrigated.				
	During 1905 06	During 1904-05.	Average of triennium.		
			1902-03 to 1904-05.	1899-1900 to 1901-02.	1896-97 to 1898-99.
	Acres.	Acres.	Acres.	Acres.	Acres.
Srivaikuntam Anicut ...	43,958	44 074	44,193	43,655	41,518
Godavari	915,317	878,999	830,830	804,995	771,925
Kistna	659,198	648,247	631,046	606,311	523,094
Penner	175 399	129,007	151,594	153,048	148,378
Kurnool	62,337	88,919	65,126	69,302	61,066
Periyar	159 526	156,634	154,439	141,987	90,160
Barur Tank	5,547	5,493	5,460	5,354	4,587
Cauvery Delta	993,616	989,226	982,585	980,644	987,016
Total ...	3,014,898	2,940 599	2,865,273	2,805,296	2,627,744

The area irrigated in the year under review exceeded all previous records.

The percentage of net revenue on the capital outlay was 9·46 compared with 8·79 in 1904-05 and 8·48 in 1903-04.

The percentages of net revenue on capital outlay of the different systems for the year compared with the previous year and the past three triennia are—

Name of Canal.	Percentage.				
	1905-06.	1904-05.	Average of triennium.		
			1902-03 to 1904-05.	1899-1900 to 1901-02.	1896-97 to 1898-99.
Godavari Delta	19·75	19·34	18·46	17·48	17·99
Kistna Delta	15·05	14·49	14·41	15·71	12·94
Cauvery Delta	24·82	25·50	27·22	31·17	44·00
Penner	5·14	0·13	3 25	4·86	5·05
Kurnool-Cuddapah ...	0·53	0·48	0·49	0·37	0·18
Barur	1·13	1·07	0·76	1 54	1·47
Srivaikuntam	6·70	6·34	5·91	6·39	4·40
Periyar	4·06	4·08	3·86	3·25	...

The most unremunerative works in the province are the Kurnool-Cuddapah Canal and the Barur Tank, and it is not expected that they will ever become remunerative. A steady improvement is noticeable in the case of the Periyar Project, and it is anticipated that its return will still further improve when the distributing works are completed.

The net revenue on the Penner River Canals was 5·14 per cent. on the capital outlay compared with 0·13 per cent. in 1904-05, the increase being due to the large decrease under remissions. The highest percentages were yielded by the Cauvery and the Godavari Delta systems which are the most remunerative works in the Madras Presidency. The accumulated net revenue of all the Productive Works in the province up to the end of the year under review after paying off the interest charges amounted to Rs. 9,00,14,043 against the capital outlay of Rs. 7,26,40,205 incurred on those works.

8. For the canals in Sind the figures are :

Name of Canal.	Area Irrigated.				
	During 1905-06.	During 1904-05.	*Average of Triennium.*		
			1902-03 to 1904-05.	1899-1900 to 1901-02.	1896-97 to 1898-99.
	Acres.	Acres.	Acres.	Acres.	Acres.
Jamrao	294 508	260,031	267,039	133,483	...
Desert	215,162	199 513	198,063	140,912	113,967
Unharwah	81,081	65,595	70,747	79,248	78,818
Begari	251,044	232,598	243,073	255,863	237,171
Eastern Nara	323,996	269,415	262,434	281,097	260,879
Dad	79,609	68,085	67,379	18,747	*Nil.*
Mahiwah	49,797	28,619	27,162	3,454	*Nil.*
Nasrat	98,735	77,033	43,035	*Nil.*	*Nil.*
Total ...	1,393,932	1,201,889	1,178,932	912,804	690,835

The total area irrigated was the largest on record.

The net revenue from these canals amounted to Rs. 19,41,965 against Rs. 13,03,352 in the preceding year and was equivalent to a return of 7·66 per cent. on the capital outlay compared with a return of between 5 and 6 per cent. in the four previous years. There was a loss in working of Rs. 43,677 on the Mahiwah Project against a net revenue of Rs. 41,936 in the previous year. The net revenue on the Nasrat Canal was Rs. 73,883 against Rs. 14,471 in 1904-05 and Rs. 54,079 in 1903-04, in which latter year the canal was brought into operation.

Percentage returns on capital outlay are :

NAME OF CANAL.	PERCENTAGE.				
	1905-06.	1904-05.	Average of Triennium.		
			1902-03 to 1904-05	1899-1900 to 1901-02.	1896-97 to 1898-99.
Jamrao	7·22	3·85	4·25	2·46	...
Desert	8·68	7·17	4·71	7·08	5·45
Unharwah	19·69	9·54	11·07	17·96	16·47
Begari	22·13	17·23	17·13	21·00	17·51
Eastern Nara	8·60	6·.6	6·61	7·32	6·68

As will be seen from the above table, the highest percentages were obtained in the year under review as compared with the previous year and the last three triennia.

9. In Bombay (Deccan and Gujarat), there was a satisfactory improvement in the return on the capital expenditure, which was 3 per cent. compared with 1·87 per cent. in 1904-05 and with 2·06, 1·84, and 1·60 for the three triennia 1904-05 to 1896-97. The works are small compared with those of other provinces; the extent of the area irrigated by them continues steady with slight variations.

10. In Bengal, the areas irrigated are as follows—

NAME OF CANAL.	AREA IRRIGATED				
	During 1905-06.	During 1904-05.	Average of Triennium.		
			1902-03 to 1904-05.	1899-1900 to 1901-02.	1896-97 to 1898-99.
	Acres.	Acres.	Acres.	Acres.	Acres.
Sone	502,817	492,265	493,878	481,333	476,466
Midnapur	74,258	85,892	88,908	78,119	71,322
Orissa	235,123	222,070	219,076	201,955	191,832
Total ...	812,208	800,227	801,862	761,478	739,620

The precentage of net revenue on capital outlay on the Hijili Canal, which is a purely navigation channel, was 0·87 compared with – 0·17 in 1904-05 and 0·22, 0·53 and 1·62, the averages of the past three triennia. The navigation receipts on the Bengal canals have suffered from the competition of the railways.

11. In Burma the Mandalay Canal, which was opened in 1902-03, yielded a net revenue of Rs. 1,14,076 against Rs. 12,221 in 1904-05.

12. In addition to the 41 Productive Works now in operation, nine new works were under construction during the year, *viz.*, the Shwebo, Mon

and Y-eu Canals in Upper Burma, the Naulakhi Canal in Sind, the Upper Chenab and Upper Jhelum Canals in the Punjab, the Paharpur Inundation Canal in the North-West Frontier Province, and the Nagavalli River project and Divi Island Pumping project in the Madras Presidency. The total outlay on these works to the end of the year (excluding interest charges) amounted to Rs. 1,00,10,352, of which Rs. 55,82,652 were expended during the year. In addition, Rs. 32,98,713 were spent on works now in operation, principally on extensions or improvements which are likely to prove remunerative and to increase the efficiency of the systems. The total capital expenditure on irrigation works during the year, therefore, amounted to Rs. 88,81,365 against Rs. 57,41,839 in the previous year.

No capital expenditure was incurred during the year on navigation works.

II.—Protective Works.

13. Protective irrigation works are those which have been sanctioned in consideration of their value as famine protective works, but without any expectation of their becoming directly remunerative. The cost of their construction has been met from the Famine Insurance Grant. There are at present six of these works in operation, particulars of which are shown in the statement below :

Financial results of Protective Works in operation.

Name of works.	Province.	Area irrigated in 1905-06.	Capital outlay to end of 1905-06.	Net revenue in 1905-06.	Percentage of net revenue on capital outlay
		Acres.	Rs.	Rs.	Per cent.
Lower Swat River Canal.	North-West Frontier Province.	158,808	41,79,666	3,97,200	9·50
Betwa Canal ...	United Provinces.	163,193	53,78,994	52,006	0·97
Rushikulya Project	Madras ...	102,244	50,41,667	57,641	1·14
Mhasvad Tank ...	Bombay ...	5,873	20,96,015	—83	...
Nira Canal ...	" ...	36,912	57,09,090	87,321	1·53
Shetphal Tank ...	" ...	2,960	7,11,002	9,144	1·29
Total 1905-06 ...	...	469,990	2,31,16,434	6,03,229	2·61
" 1904-05 ...	...	433,823	2,25,40,178	5,36,011	2·38
" 1903-04 ...	...	383,990	2,22,45,025	7,22,340	3·25

The Lower Swat River Canal, although sanctioned as a protective work, has proved a highly remunerative one and has, therefore, been transferred to the class of Productive Public Works with effect from 1st April 1906. The remaining five works are not likely to prove remunerative. The Betwa Canal, which has so far only paid its working expenses in the years 1897-98 and 1898-99 in which the net revenue was Rs. 22,876 and Rs. 477, respectively, has, in 1903-04, in 1904-05, and in the year under review, earned a

net revenue of Rs. 25,568, Rs. 41,048 and Rs. 52,006, respectively, a result which is due to certain improvements made in its distributary system. The construction of an additional reservoir, which was sanctioned by the Government of India in April 1904, will provide additional storage for 1,484 million cubic feet of water, which, it is anticipated, will make the canal more remunerative. The area irrigated by this canal in the year under review was higher than that of any other year.

The Rushikulya project irrigated 102,244 acres and yielded a net revenue of Rs. 57,641 against an area of irrigation of 96,274 acres and a net revenue of Rs. 37,110 in 1904-05.

On the Nira Canal, notwithstanding the decrease in the area irrigated from 48,822 acres in 1904-05 to 36,912 acres, the net revenue was Rs. 87,321 against Rs. 45,350 in 1904-05. This increase was due to water-rates being charged for 12 months over the greater part of the cane area, while rates for short periods only were charged in the preceding year on account of damage by locusts.

The area irrigated during the year exceeded that of the previous year as well as the averages of the past three triennia, as is shown by the following statement:

Protective Works.

Name of work.	Province.	AREA IRRIGATED.				
				Average of triennium.		
		During 1905-06.	During 1904-05.	1902-03 to 1904-05.	1899-1900 to 1901-02.	1896-97 to 1898-99.
		Acres.	Acres.	Acres.	Acres.	Acres.
Lower Swat River...	North-West Frontier Province.	158,808	159,412	169,843	160,655	133,801
Betwa ...	United Provinces...	163,193	117,573	87,173	39,550	58,620
Rushikulya ...	Madras ...	102,244	96,274	93,596	83,237	71,203
Nira, Mhasvad, Shetphal ...	Bombay ...	45,745	60,564	45,332	52,586	48,089
	Total ...	469,990	433,823	395,944	336,028	311,713

14. The particulars given in the following statement relate to all Major Works (Productive and Protective) taken together.

Irrigation statistics of Productive and Protective works in operation.

Province.	Area irrigated.	Estimated value of crops.	Average value of crops per acre.	Average rate of revenue assessed per acre.	Working expenses rate per acre irrigated.	Percentage of working expenses on gross revenue.
	Acres.	Rs.	Rs.	Rs.	Rs.	Per cent.
North-West Frontier Province.	158,808	41,79,895	26·3	3·1	0·6	18·7
Punjab, Imperial ...	5,677,536	14,08,94,347	24·8	3·5	1·2	35·3
Punjab, Native States	485,835	1,17,43,011	24·2	4·2	1·6	46·3
United Provinces ...	3,397,759	12,66,92,485	37·3	3·5	1·0	38·4
Madras... ...	3,117,142	10,78,90,753	34·6	4·3	0·9	21·3
Sind	1,393,932	3,01,69,421	21·6	2·2	0·8	34·2
Bombay ...	77,381	73,38,174	94·8	7·3	3·3	36·6
Bengal	812,208	2,50,98,111	30·9	2·2	1·3	50·7
Burma	41,839	10,47,905	25·0	5·1	2·5	48·2
Total 1905-06 ...	15,162,440	45,50,54,102	30·0	3·5	1·1	32·8
" 1904-05 ...	13,050,590	36,51,74,650	28·0	3·6	1·2	31·5
" 1903-04 ...	13,373,791	35,61,70,380	26·6	3·5	1·1	30·6

The total irrigated area exceeded that of the previous year by more than two million acres, and the estimated value of crops was higher than that of 1904-05 by about nine crores of rupees; in other respects, compared with the year 1904-05, the general results are almost identical, but there are considerable variations in some of the provinces, the most important of which are noted below.

In respect of the average value of the crops, the United Provinces have increased from Rs. 34·4 per acre, owing principally to increase in the value of sugar and wheat, Madras from Rs. 26·5 on account of increase in the price of rice, Sind from Rs. 19·1 owing to a general increase in the value of the outturn, and Bombay from Rs. 82 per acre on account of higher prices for sugar. Punjab Imperial has decreased from Rs. 27·1, Punjab Native States from Rs. 25·6, and Bengal from Rs. 32.

In Bombay the assessment has increased from Rs. 5·8 per acre owing principally to increase of sugarcane cultivation on the Nira and Mutha Canals.

There has been an increase in the working expenses in Bombay and Burma in the year under review as compared with the previous year.

There is a remarkable agreement between the percentage of working expenses on gross revenue and the acreage rates of revenue and working expenses in the case of the North-West Frontier Province, Punjab Imperial, Madras, Sind and Burma.

15. Fifteen Protective irrigation reservoirs were under construction in the Central Provinces and Rs. 17,67,724 was the total sum spent to the end of the year.

B.—MINOR WORKS.

III.—Works for which Capital and Revenue Accounts are kept.

16. All expenditure incurred in the construction and development of minor irrigation works is met from revenue. These works are treated wholly as provincial in all provinces except Sind, Bombay, Baluchistan, Rajputana, North-West Frontier Province and the Punjab, in which all but a few works are Imperial. Capital and Revenue Accounts are kept for 89 of the larger and more important minor works, and the financial results attained during the year under review are shown in the following statement :

Financial results of Minor Works in operation for which Capital and Revenue Accounts are kept.

Province.	Number of works.*	Area irrigated.	Capital outlay to end of 1905-06.	Net revenue in 1905-06.	Percentage of net revenue on capital outlay.	Rate of revenue assessed per acre.
Irrigation.		Acres.	Rs.	Rs.	Per cent.	Rs.
North-West Frontier Province.	1	31,668	9,00,264	51,867	5·76	3·4
Punjab ..	2	43,324	5,59,159	— 8,054	...	2·1
Madras	30	565,765	1,18,97,110	3,79,534	3·19	3·4
United Provinces ...	4	126,186	38,85,241	34,932	0·90	2·2
Bombay (Deccan and Gujarat).	31	29,580	88,95,384	46,349	0·52	3·6
Bombay (Sind) ...	8	882,937	47,76,735	12,14,100	25·42	2·4
Rajputana ...	3	11,153	32,47,121	49,562	1·53	7·3
Baluchistan ...	3	6,253	17,63,012	34,557	1·96	9·0
Bengal	1	...	7,15,231	— 3,172	...	...
Burma (embankments)	...	442,288	31,29,899	9,87,841	28 81	2·7
Total Irrigation—						
1905-06 ...	83	2,139,154	4,00,69,156	27,87,516	6 96	2 8
1904-05 ...	81	1,976,978	3,86,25,986	28,07,281	7·27	2·8
1903-04 ...	81	2,187,292	3,69,61,607	31,26,421	8·46	2·8
Navigation, 1905-06.						
Madras ...	4	...	93,40,197	— 36,650	...	...
Bengal	2	...	1,30,59,947	76,651	0·59	...
Total Navigation ...	6	...	2,24,00,144	40,001	0·17	...

*Includes works under construction.

17. The capital outlay during the year on these Minor Works amounted to Rs. 19,71,503. The expenditure in the North-West Frontier Province was Rs. 2,69,194; in the United Provinces, Rs. 2,19,872; in Madras, Rs. 3,83,944; in Deccan and Gujarat, Rs. 2,07,001; in Sind, Rs. 2,22,257; in Rajputana, Rs. 77,185; in Baluchistan, Rs. 10,889; and in Bengal, Rs. 5,81,161. There was no expenditure in the Punjab and Burma.

18. Comparison of the area irrigated during the year and the preceding year and the average of three previous triennia gives :

Province.	AREA IRRIGATED.				
			Average of triennium.		
	During 1905-06.	During 1904-05.	1902-03 to 1904-05.	1899-1900 to 1901-02.	1896-97 to 1898-99.
	Acres.	Acres.	Acres.	Acres.	Acres.
Punjab	43,324	35,403	109,677	519,448	709,833
North-West Frontier Province	31,668	27,843	19,090	...	...
United Provinces ...	126,186	77,289	112,018	143,577	148,376
Madras	565,765	521,786	568,519	532,548	540,911
Sind	882,937	798,434	816,047	831,324	804,948
Bombay	29,580	40,695	37,095	40,859	39,144
Rajputana	11,153	20,890	26,665	24,100	33,539
Baluchistan	6,253	8,778	5,468	5,345	5,033
Burma	442,288	445,860	445,571	433,271	396,906
Total ...	2,139,154	1,976,978	2,140,150	2,521,472	2,678,690
Punjab, Bikaner State ...	3,024	11,012	8,765	9,945	6,344
GRAND TOTAL ...	2,142,178	1,987,990	2,148,915	2,531,417	2,685,034

The gradual reduction in the area irrigated in the past three triennia is due mainly to the transfer of the Lower Sutlej and Chenab Inundation Canals in 1900-01, from Minor Works for which Capital and Revenue Accounts are kept to Minor Works for which only Revenue Accounts are kept, and of the Upper Sutlej Inundation Canals in 1902-03 and of the Indus Inundation Canals in 1903-04 to Productive Works. In comparison with the previous year, however, there was an increase of 154,188 acres in the year under review.

The total net revenue from the Irrigation Works amounted to Rs. 27,87,516 during the year under review, against Rs. 28,07,281 in 1904-05, and Rs. 31,26,421 in 1903-04, the percentage on capital outlay being 6·96, 7·27, and 8·46, respectively, in the three years referred to. The decrease in 1905-06, as compared with the preceding year, was due to a falling-off in net revenue in all the provinces except Bombay (Deccan and Gujarat and Sind).

In the North-West Frontier Province, the net revenue from the Kabul River Canal fell from 14·40 per cent on the Capital outlay in 1904-05 to 5·76 per cent. in 1905-06, the decrease being due to increased working expenses and to the increase in the Capital Account owing to the construction of the Hazar Khani Branch.

In the Punjab the loss in working amounted to Rs. 8,054 against a net revenue of Rs. 49 in 1904-05.

In the case of the United Provinces the net revenue was 0·90 per cent., compared with 3·73 in 1904-05 and 3·18, 3·23 and 5·61, the averages of the three triennia, 1904-05 to 1896-97.

Rajputana gave a return of 1·53 per cent against 3·35 in 1904-05, and 2·14 1·37 and 3·06, averages of the three triennia, 1904-05 to 1896-97.

The works in Bombay earned a net revenue of Rs. 46,349 against Rs. 39,517 in 1904-05 and Rs. 64,357 in 1903-04.

In Sind the net revenue amounted to Rs. 12,14,100 or 25·42 per cent. on the Capital outlay against 19·48 per cent. in 1904-05. One of the works, namely, the Ghar Canal, paid a return of 103·05 per cent on the Capital outlay during the year under review, and two others, the Marak Great and Fuleli Canals, 27·22 and 22·80 per cent., respectively.

In Baluchistan, against Rs. 20,742 in 1903-04 and Rs. 46,852 in 1904-05, the net revenue in the year under review amounted to Rs. 34,557.

The working expenses exceeded the gross revenue in Bengal by Rs. 3,172.

The area shown in Burma is not under irrigation, but represents the area of cultivation on lands reclaimed by river flood embankments, the revenue of which is credited to the Capital Account of the works. This area in 1905-06 was less than that of 1904-05 by 3,572 acres.

IV.—Works for which only Revenue Accounts are kept.

19. There are numerous Minor Works for which separate Capital Accounts are not kept, either because the works are too small, or becaue they have not been constructed by the British Government, which has simply undertaken their improvement and maintenance. For such works only Revenue Accounts are maintained; they are credited with a share of the land revenue depending on their maintenance, and are debited with all expenditure incurred on construction, extension, improvements, and maintenance. Particulars for the year 1905-06 are shown by provinces in the statement below:

Financial Results of Minor Works for which only Revenue Accounts are kept.

Province.	Area irrigated.	Revenue receipt.	Charges.	Net revenue.
	Acres.	Rs.	Rs.	Rs.
Burma	450,432	13,82,305	10,79,264	3,03,041
Bengal	...	1,07,184	1,32,679	—25,495
Punjab	702,190	13,56,224	9,34,851	4,21,373
Bombay, including Sind	1,164,429	29,65,820	11,46,813	18,19,007
North-West Frontier Province.	...	...	3,306	—3,306
Total 1905-06 ...	2,317,051	58,11,533	32,96,913	25,14,620
" 1904-05 ...	2,075,135	54,12,282	35,42,389	18,69,893
" 1903-04 ...	2,293,991	54,23,360	3,39,404	20,83,956

The improvement in net revenue is very satisfactory.

V.—Works for which neither Capital nor Revenue Accounts are kept.

20. There is a third important class of Minor Works in the Madras Presidency for which neither Capital nor Revenue Accounts are kept. These include over 28,000 tanks and 6,000 irrigation channels, the improvements and repairs of which are executed by the Public Works Department, or, in the case of the smaller works, by civil officers: the expenditure during 1905-06 amounted to Rs. 29,25,386, of which about one-fifth was spent by civil officers. The areas charged as irrigated by these small works in 1905-06 aggregated 3,303,379 acres, or more than the area irrigated by all the Major Works in the Presidency taken together, compared with 2,938,076 acres in 1904-05 and 3,323,141, 3,111,902, and 3,144,652 acres, averages of the triennia 1904-05 to 1896 97. The revenue derived therefrom amounted to Rs. 83,45,977 compared with Rs. 64,85,078 in 1904-05, the increase being due to the favourable character of the season.

21. The following table summarizes the results of irrigation for all India during 1905-06 and compares them with those of the two previous years:

Financial and Irrigational Results of Irrigation Works in operation in India.

Class of work.	Capital outlay to end of year on works in operation.	Gross revenue during the year.	Net revenue during the year.	Percentage of net revenue on capital outlay to end of year.	Area irrigated.
	Rs.	Rs.	Rs.	Per cent.	Acres.
I and II.—Major Works. { I.—Productive, II.—Protective }	41,60,10,466	4,42,39,464	2,91,64,551	7·01	15,162,440
III.—Minor Works for which Capital and Revenue Accounts are kept.	6,24,69,300	49,83,188	28,27,517	4·53	2,139,154
IV.—Minor Works for which only Revenue Accounts are kept.	...	58,11,533	25,14,620	...	2,317,051
V.—Works for which neither Capital nor Revenue Accounts are kept.	...	84,85,513	38,96,042	...	3,369,418
Total 1905-06 ...	47,84,79,766	6,35,19,698	3,84,02,730	(*a*) 6·69	22,988,063
" 1904-05 ...	47,25,78,389	6,15,07,128	3,74,73,034	(*a*) 7·01	20,107,510
" 1903-04 ...	46,56,80,970	6,35,53,007	4,02,65,830	(*a*) 6·97	21,506,670

(*a*) Percentages calculated on works of classes I, II and III.

The total area was nearly 23 million acres, while the value of the crops raised by the works for which capital accounts are kept is estimated at Rs. 51·6 crores, or nearly 108 per cent. of the capital outlay expended on them.

ORDER.—Ordered that this Review, with a copy of the note by the Accountant-General, Public Works Department, be forwarded to the Finance and Revenue and Agricultural Departments and to the Local Governments and Administrations in the Public Works Department noted on the margin, for information.

The Governments of Madras, Bombay, Bengal, the United Provinces of Agra and Oudh, the Punjab, Burma and Eastern Bengal and Assam.
The Honourable the Chief Commissioner of the Central Provinces.
The Chief Commissioner of Coorg
The Honourable the Resident at Hyderabad.
The Honourable the Agents to the Governor-General for Central India, Rajputana and Baluchistan.
The Honourable the Agent to the Governor-General and Chief Commissioner, North-West Frontier Province.
The Accountant-General, Public Works Department.

Ordered, also, that the Review and the note be published in the Supplement to the *Gazette of India.*

Ordered, further, that a copy of the Review and note be forwarded to His Majesty's Secretary of State for India, for information.

L. M. JACOB,

Secretary to the Government of India.

Punjab Government Press, Lahore—6-9-07—920.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, SEPTEMBER 13, 1907.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED AUGUST 31, 1907.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 29th August, 1907.

No. 123.—Mr. F. W. Eicke, Examiner of Accounts, class II, temporary rank, is permanently promoted to that rank, with effect from the 22nd May 1907.

L. M. JACOB,

Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," DATED SEPTEMBER 7, 1907.

HOME DEPARTMENT.

NOTIFICATION.

JAILS.

Simla, the 2nd September, 1907.

No. 193.—The services of Captain J. E. Clements, M.B., I.M.S., are placed permanently at the disposal of the Government of the Punjab, with effect from the 12th August 1907, for employment in the Jail Department.

H. A. STUART,

Offg. Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 6th September, 1907.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

Simla Volunteer Rifles.

No. 781.—Second-Lieutenant John Joseph O'Reilly to be Lieutenant, *vice* Pepper, promoted. Dated 1st April 1907.

North-Western Railway Volunteer Rifles.

No. 783.—Captain Henry Harvey Buckland, V.D., resigns his commission and is granted on retirement the honorary rank of Major with permission to wear the uniform of the corps. Dated 18th July 1907.

Lieutenant William John Littlewood to be Captain, *vice* Buckland, resigned. Dated 18th July 1907.

Second-Lieutenant Edward Burton to be Lieutenant, *vice* Littlewood, promoted. Dated 18th July 1907.

Ulric Capel Sandys, gentleman, to be Second-Lieutenant, *vice* Burton, promoted. Dated 18th July 1907.

A. W. L. BAYLY,

Secretary to the Government of India.

Punjab Government Press, Lahore—13-9-07—792.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, SEPTEMBER 20, 1907.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED SEPTEMBER 14, 1907.

HOME DEPARTMENT.

NOTIFICATIONS.

PUBLIC.

Simla, the 13th September, 1907.

No. 2445.—It is hereby notified for general information that the General Officers Commanding the Northern and Southern Armies will take rank in article 14 of the Warrant of Precedence for India, published with the notification of the Government of India in the Home Department, No. 328, dated the 10th February 1899.

EXAMINATIONS.

The 10th September, 1907.

No. 410.—The following regulations respecting the examination of candidates for the Civil Service of India, to be held in August 1908, are published for general information :

EXAMINATIONS FOR THE CIVIL SERVICE OF INDIA.

An Open Competitive Examination for admission to the Civil Service of India will be held in London, under the subjoined Regulations, commencing on the 1st August, 1908.

The number of persons to be selected at this examination will be announced hereafter.

No person will be admitted to compete from whom the Secretary, Civil Service Commission, has not received on or before the **1st July, 1908,** *an application on the prescribed form, a copy of which is sent herewith. No question as to the delay or loss in the post of any such Application Form can be entertained. Candidates, who delay their applications until the last days, will do so at their own risk.*

Acknowledgments of such Application Forms are sent, and any Candidate who has filled up and returned the printed Application Form but has not received an acknowledgment of it within four complete days should at once write to the Secretary, Civil Service Commission, Burlington Gardons, London, W. Failure to comply with this provision will deprive the Candidate of any claim to consideration.

The Order for admission to the Examination will be posted on the 20th July, 1908, to the address given on the Form of Application. It will contain instructions as to the time and place at which candidates will be required to attend and as to the manner in which the fee (£6) is to be paid.

CIVIL SERVICE COMMISSION,

15th July, 1907.

REGULATIONS.

**** The following Regulations, made by the Secretary of State for India in Council, are liable to alteration from year to year.*

1. An Examination for admission to the Civil Service of India, open to all qualified persons, will be held in London in August of each year. The date of the Examination and the number of appointments to be made for each Province will be announced beforehand by the Civil Service Commissioners.

2. No person will be deemed qualified who shall not satisfy the Civil Service Commissioners :

(i) That he is a natural-born subject of His Majesty.

(ii) That he had attained the age of twenty-two, and had not attained the age of twenty-four on the first day of August of the year in which the Examination is held.

[*N.B.—In the case of Natives of India it will be necessary for a Candidate to obtain a certificate of age and nationality issued under Notification of the Government of India, No.* 2252, *dated 21st August*, 1888, *as amended by Notification No.* 404, *dated 19th May*, 1898, *and signed, should he be a resident in British India, by the Secretary to Government of the Province, or the Commissioner of the Division within which his family resides, or should he reside in a Native State, by the highest Political Officer accredited to the State in which his family resides*.]

(iii) That he has no disease, constitutional affection, or bodily infirmity, unfitting him, or likely to unfit him, for the Civil Service of India.

(iv) That he is of good moral character.

3. Should the evidence upon the above points be *primâ facie* satisfactory to the Civil Service Commissioners, the Candidate, on payment of the prescribed fee, will be admitted to the Examination. The Commissioners may, however, in their discretion, at any time prior to the grant of Certificate of Qualification hereinafter referred to, institute such further inquiries as they may deem necessary ; and if the result of such inquiries in the case of any Candidate should be unsatisfactory to them in any of the above respects, he will be in eligible for admission to the Civil Service of India, and, if already selected, will be removed from the position of a Probationer.

4. The Open Competitive Examination will take place only in the following branches of knowledge (*a*) :—

	Maximum Marks.
English Composition	500
Sanskrit Language and Literature	600
Arabic	600
Greek, not less than two sub-divisions, of which one must be Translation :	
Translation	300
Composition	300
Literature, &c.	300

(*a*) A Syllabus, defining the character of the Examination in the various subjects, may be obtained on application to the Secretary, Civil Service Commission, London, W.

	Maximum Marks.
Latin, not less than two sub-divisions, of which one must be Translation :	
Translation ...	300
Composition	300
Literature ...	300
English ..	600
Italian ...	600
French ...	600
German ...	600
Mathematics ...	1,200
Advanced Mathematics	1,200
Natural Science, *i.e.*, any number not exceeding *four* of the following :	
Chemistry ...	600
Physics ...	600
Geology ...	600
Botany ...	600
Zoology ...	600
Animal Physiology ...	600
Greek History (Ancient, including Constitution) ...	500
Roman History (Ancient, including Constitution) ...	500
English History, either or both sections may be taken—	
I. to A.D. 1485 ...	400
II. A.D. 1485 to 1848 ...	400
General Modern History ...	500
Logic and Psychology ...	600
Moral and Metaphysical Philosophy ...	600
Political Economy and Economic History ...	600
Political Science ...	500
Roman Law ...	500
English Law ...	500

Candidates are at liberty to name any of these branches of knowledge, with the proviso that the maximum number of marks that can be obtained from the subjects chosen is limited to 6,000. If this maximum is exceeded by a candidate's selection, he will be required to indicate one of his subjects, the marks for which should, in his case, be reduced so as to bring his maximum marks within the prescribed limit. The marks so reduced will be subject to a correspondingly reduced deduction under Clause 6.

5. The merit of the persons examined will be estimated by marks (*b*); and the number set opposite to each branch in the preceding regulation denotes the greatest number of marks that can be obtained in respect of it.

6. The marks assigned to Candidates in each branch will be subject to such deduction as the Civil Service Commissioners may deem necessary (*c*) in order to secure that no credit be allowed for merely superficial knowledge.

7. The Examination will be conducted on paper and *vivá voce*, as may be deemed necessary.

8. The marks obtained by each Candidate, in respect of each of the branches in which he shall have been examined, will be added up, and the names of the several Candidates who shall have obtained, after the deduction above mentioned, a greater aggregate number of marks than any of the remaining Candidates will be set forth in order of merit, and such Candidates shall be deemed to be Selected Candidates for the Civil Service of India, provided they appear to be in other respects duly qualified. Should any of the Selected Candidates become disqualified, the Secretary of State for India will determine whether the vacancy thus created shall be filled up or not. In the former case the Candidate next in order of merit, and in other respects duly qualified, shall be deemed to be a Selected Candidate.

(*b*) Considerable deductions will be made for bad handwriting.

(*c*) No deductions will be made under Clause 6 from the marks assigned to Candidates in Mathematics or English Composition.

9. Selected Candidates, before proceeding to India, will be on probation for one year, at the end of which time they will be examined, with a view of testing their progress in the following subjects (*d*):

Compulsory—

		Marks.
1.	Indian Penal Code	400
2.	Code of Criminal Procedure	200
3.	The Indian Evidence Act	200
4.	Indian History	400
*5.	The principal Vernacular Language of the Province to which the Candidate is assigned	400

Optional. [Not more than one of the following subjects.]

		Marks.
1.	Hindu and Muhammadan Law	450
†2.	Sanskrit	400
†3.	Arabic	400
4.	Persian	400
5.	Hindustani (for Candidates assigned to the Province of Burma only) ...	400

* The principal Vernacular Language prescribed for each Province to which Candidates are assigned is as follows:

For the United Provinces of Agra and Oudh, the Punjab, and the Central Provinces ...	Hindustani.	
For Burma	Burmese.	
For Bombay	Marathi.	
For Madras	Tamil or Telugu	At the option of the Candidate.
For the Lower Provinces of Bengal ...	Hindustani or Bengali	At the option of the Candidate.

In Hindustani the Candidate will be required to be acquainted with both the Persian and the Nagari character; and in the case of the last two Provinces mentioned above, a Candidate whose Vernacular Language is either of the languages shown against his Province, must offer the other for Examination.

† These subjects may not be offered by any Candidate who has offered them at the Open Competition.

In this Examination, as in the Open Competition, the merit of the Candidates examined will be estimated by marks (which will be subject to deductions in the same way as the marks assigned at the Open Competition), and the number set opposite to each subject denotes the greatest number of marks that can be obtained in respect of it. The Examination will be conducted on paper and *vivâ voce*, as may be deemed necessary. This Examination will be held at the close of the year of probation, and will be called the "*Final Examination.*"

If any Candidate is prevented by sickness or any other adequate cause from attending such examination, the Commissioners may, with the concurrence of the Secretary of State for India in Council, allow him to appear at the Final Examination to be held in the following year, or at a special Examination.

10. The Selected Candidates will also be tested during their probation as to their proficiency in Riding.

The Examinations in Riding will be held as follows:

(1) Shortly after the result of the Open Competitive Examination has been declared, or at such time or times as the Commissioners may appoint during the course of the probationary year.

(2) Again, at the time of the Final Examination. Candidates who may then fully satisfy the Commissioners of their ability to ride well and to perform journeys on horseback will be awarded from 100 to 200 marks, according to the degree of proficiency displayed, to be added to their marks in the Final Examination. Candidates who fail to obtain 100 marks, but are reported by the Civil Service Commissioners to have reached a minimum standard of proficiency in riding, and are certified by the said Commissioners to be entitled to be appointed to the Civil Service of India, will, on their arrival in India, be subjected to such further tests in riding as may be prescribed by their Government, and shall receive no increase to their initial salary until they have passed such tests to the satisfaction of that Government.

A Candidate who fails at the end of the year of probation to satisfy the Civil Service Commissioners that he has reached the minimum standard of proficiency in riding, will be liable to have his name removed from the list of Selected Candidates.

(*d*) Instructions, showing the extent of the Examination, will be issued to Selected Candidates as soon as possible after the result of the Open Competition is declared.

11. The Selected Candidates who, on examination, shall be found to have a competent knowledge of the subjects specified in Regulation 9, and who shall have satisfied the Civil Service Commissioners of their eligibility in respect of nationality, age, health, character, conduct during the period of probation, and ability to ride, shall be certified by the said Commissioners to be entitled to be appointed to the Civil Service of India, provided they shall comply with the regulations in force, at the time, for that Service.

12. Persons desirous to be admitted as Candidates must apply on Forms, which may be obtained from "The Secretary to the Civil Service Commissioners, London," at any time after the 1st December, in the year previous to that in which the Examination is to be held. No person will be admitted to the Examination from whom the Secretary to the Civil Service Commissioners has not received on or before the 1st July (or, if that date should fall upon a Sunday or public holiday, then, on or before the 1st day thereafter on which their office is open), in the year in which the Examination is to be held, an application, in the handwriting of the Candidate, on the prescribed form.

The Civil Service Commissioners are authorized by the Secretary of State for India in Council to make the following announcements:

(i) *Selected Candidates will be allotted to the various provinces upon a consideration of all the circumstances, including their own wishes; but the requirements of the Public Service will rank before every other consideration.*

(ii) *An allowance amounting to £150 will be given to any Candidate who passes his probation at one of the Universities or Colleges which have been approved by the Secretary of State,* viz., *the Universities of Oxford, Cambridge, Dublin, Glasgow, Edinburgh, St. Andrews, Aberdeen and London (University College or King's College); Victoria University, Manchester.*

This allowance will be paid to the Selected Candidate in four instalments on the following dates respectively:—December 24th, after his selection, March 25th, June 24th, and the date of his signing his covenant on being finally appointed to the Service.

With the final instalment an allowance on account of passage to India will be paid to each newly appointed civilian to the amount of £37 10s. od., for passage to Calcutta, Madras or Bombay, and £43 for passage to Rangoon, the Officer then making his own arrangements for his passage.

The payment of each of the first three instalments will be conditional on the receipt, by the Secretary of State, through the Civil Service Commissioners, of a certificate that the Candidate has fulfilled up to date the requirements of the Authorities, and shown satisfactory conduct at the Authorised University or College; the fourth and final instalment will be paid as soon as the Selected Candidate has signed his covenant, and for its payment no certificate from College Authorities will be required.

The whole probation must ordinarily be passed at the same Institution. Migration will not be permitted except for special reasons approved by the Secretary of State.

(iii) *Each candidate will be required before receiving the first instalment of his allowance to execute an agreement binding himself to refund all monies he may have received from the Secretary of State for India in the event of—*

(1) *his failure to pass the Final Examination within the time prescribed by the Regulations and to satisfy the Civil Service Commisioners of his fitness for admission to the Civil Service of India, or*

(2) *his subsequent failure to execute the usual covenant, and to proceed to India, as and when he shall be directed by the Secretary of State for India.*

(iv) *All Candidates obtaining Certificates will be also required to enter into covenants, by which, amongst other things, they will bind themselves to make such payments as, under the rules and regulations for the time being in force, they may be required to make towards their own pensions or for the pensions of their families. The stamps payable on these covenants amount to £1.*

(v) *The seniority in the Civil Service of India of the Candidates obtaining Certificates will be determined according to the order in which they stand on the list resulting from the combined marks of the Open Competitive and Final Examinations.*

(vi) *Candidates obtaining Certificates will be required to report their arrival in India within such period after the grant of their Certificates of Qualification as the Secretary of State may in each case direct.*

(vii) *Candidates who fail to satisfy the Civil Service Commissioners at the Final Examination held in any year will be definitely rejected, and will not be allowed to present themselves for re-examination, unless it shall appear to the Secretary of State in Council, after reference to the Civil Service Commissioners, that such failure is due to circumstances wholly exceptional and beyond the control of the Candidate.*

[Copies of this paper may be obtained on application to the Secretary to the Government of India, Home Department.]

CIVIL SERVICE OF INDIA; CLERKSHIPS (CLASS I) IN THE HOME CIVIL SERVICE; AND EASTERN CADETSHIPS.

SYLLABUS showing the extent of the Examination in certain subjects for 1908.

English Composition.—An Essay to be written on one of several subjects specified by the Civil Service Commissioners on their Examination Paper.

English Language and Literature.—The Examination will be in two parts. In the one the Candidates will be expected to show a general acquaintance with the course of English Literature, as represented (mainly) by the following writers in verse and prose, between the reign of Edward III and the accession of Queen Victoria:

Verse—Chaucer, Langland, Spenser, Shakespeare, Milton, Dryden, Pope, Gray, Collins, Johnson, Goldsmith, Crabbe, Cowper, Campbell, Wordsworth, Scott, Byron, Coleridge, Shelley, Keats.

Prose—Bacon, Sir Thomas Browne, Milton, Cowley, Bunyan, Dryden, Swift, Defoe, Addision, Johnson, Burke, Scott, Macaulay (Essays and Biographies).

A minute knowledge of the works of these authors will not be looked for in this part of the Examination, which will, however, test how far the Candidates have studied the chief productions of the greatest English writers *in themselves*, and are acquainted with the leading characteristics of their thought and style, and with the place which each of them occupies in the history of English Literature. Candidates will also be expected to show that they have studied in these authors the history of the English Language in respect of its vocabulary, syntax, and prosody.

The other part of the Examination will relate to one of the periods named below, which will follow each other year by year in the order indicated:

1.	A.D. 1360 to A.D. 1600
(1908)	[Chaucer to Spenser.]
2.	A.D. 1600 to A.D. 1700
(1909)	[Shakespeare to Dryden.]
3.	A.D. 1700 to A.D. 1800.
(1910)	[Pope to Cowper.]
4.	A.D. 1800 to A.D. 1832
(1911)	[Nineteenth Century writers to the death of Scott.]

The Examination in this part will require from Candidates a more minute acquaintance with the history of the English Language and Literature, as illustrated in the chief works produced in each period, and will be based to a considerable extent, but by no means exclusively, on certain books specified each year by the Commissioners.* The

* The books for 1908 are:
Chaucer: Assembly of Foules.
Flower and Leaf.
James I of Scotland: King's Quhair.
Spenser: Faery Queen, V, VI, VII.
Marlowe: Edward II.
Mandeville: Travels.
Sidney: Apologie for Poetrie.
Spenser: View of the State of Ireland.

names placed under the dates are intended to suggest the general character of the literary development of the period, and, consequently, the natural limits of the Examination. All the works of Shakespeare, for example, will be regarded as falling within the period 1600 to 1700; all the works of Swift within the period 1700 to 1800; all the works of Scott and Wordsworth, and all the works of Macaulay within the period 1800 to 1832.

Italian Language and Literature.—Translation and Composition. Critical questions on the Italian Language and Literature. Conversation.

French Language and Literatur.—Translation and Composition. Critical questions on the French Language and Literature. Conversation.

German Language and Literature.—Translation and Composition. Critical questions on the German Language and Literature. Conversation.

Latin Language and Literature.—Translation from Latin into English, Composition in Prose and Verse, or (as an alternative for Verse-Composition) an original Prose-Composition in Latin. Critical questions on the Latin Language (including questions on Philology) and Literature.

Greek Language and Literature.—Translation from Greek into English, Composition in Prose and Verse, or (as an alternative for Verse-Composition) an original Prose-Composition in Greek. Critical questions on the Greek Language (including questions on Philology) and Literature.

Sanskrit Language and Literature.—Translation from Sanskrit into English, and from English into Sanskrit. History of Sanskrit Literature (including knowledge of such Indian history as bears upon the subject); Sanskrit Grammar; Vedic Philology.

Arabic Language and Literature.—Translation as in Sanskrit; History of Arabic Literature (including knowledge of such Arabic History as bears upon the subject); Arabic Grammar; Arabic Prosody.

English Law.—Under the head of "English Law" are included the following subjects, *viz.*:—(1) Law of Contract; (2) Law of Evidence; (3) Law of the Constitution; (4) Criminal Law; (5) Law of Real Property; and of these five subjects Candidates are at liberty to offer any four, but not more than four.

English History.—The subject will include (*a*) the Political history of Great Britain, Ireland, and the Colonies, (*b*) the Constitutional history of the United Kingdom. Candidates should be acquainted with the following authorities:

PERIOD I.

Stubbs ... ... Select Charters.

PERIOD II.

Prothero ... ... Statutes and Constitutional Documents.

Gardiner ... ... Documents of the Puritan Revolution.

All published by Clarendon, Press, Oxford.

General Modern History.—Candidates may, at their choice, be examined in any *one* of the following periods:

1. From the accession of Charlemagne to the Third Crusade.

   [A.D. 800 to A.D. 1193.]

2. From the Third Crusade to the Diet of Worms.

   [A.D. 1193 to A.D. 1521.]

3. From the Diet of Worms to the death of Louis XIV.
   [A.D. 1521 to A.D. 1715.]
4. From the accession of Louis XV to the French Revolution of 1848.
   [A.D. 1715 to A.D. 1848.]
5. From the Peace of Paris to the Treaty of Berlin.
   [A.D. 1763—1878.]

Periods 3, 4 and 5 will include Indian History.

Candidates should be acquainted with the following authorities:

PERIOD I.

800—1193.

Einhard : Vita Caroli Magni, from 800 A.D. ...	Ed. : Pertz Scriptores Rerum Germanicarum.
Lambert of Hersfeld	Ed. : Pertz.
Suger : Vita Ludovici VI	Ed. : (1) Migne. (2) Société de l'Histoire de France 1868.
Otto of Freising : De gestis Frederici I. (Not to include the continuator.)	Ed. : Pertz.

PERIOD II.

1193—1521.

Joinville : St. Louis	Ed. : (1) Petitot. (2) Michaud et Poujoulat. (3) Buchon. (4) Société de l'Histoire de France, 1868
Philippe de Comines : Mémoires	Ed. : (1) Petitot, (2) Michaud et Poujoulat, (3) Buchon, (4) de Mandrot, Picard, Paris, 1901-3.
Machiavelli : The Prince ... ... English translation by Thompson.	Clarendon Press.

PERIOD III.

1521—1715.

Sully : Economies Royoles, up to the Treaty of Vervins	Ed. : Petitot, Michaud et Poujoulat.
Torcy : Mémoires	" " "

PERIOD IV.

1715—1848.

Frederick II	... Histoire de mon Temps, *and* La Guerre de Sept Ans. Ed. : Boutaric ; *or in* Œuvres de Frédéric II. Decker, Berlin. 1846.
Malmesbury	... Diaries and Correspondence. London. Bentley. 1844 Vol. II. Mission to the Hague Pp. 66-443. Vol. III. Mission to Lisle. Pp. 369-599.
Metternich	... Aus Metternich's nachgelassenen Papieren. Autorisirte Original-Ausgabe. Vienna, 1880. Up to 1815.

Or in English translation—

Autobiograhy of Prince Metternich. Translated by Mrs. Napier, London, Bentley, 1880-1881.

PERIOD V.

1763—1878.

Malmesbury	... As for Period IV.
Metternich	... As for Period IV.
Bianchi	... La politique du Comte Camille de Cavour, 1852-1861 (Turin, 1885).
Bismarck	... Gedanken und Erinnerungen von Bismarck (Ed.: H. Kohl, Stuttgart, 1898); up to 1878.

Or in English translation—

Bismarck, the Man and the Statesman: Reflections and Reminiscences, etc. Translated under supervision of A. J. Butler. (London, Smith and Elder, 1898.)

Greek History.—Questions (*a*) on the General and (*b*) on the Constitutional History of Greece to the death of Alexander.

Roman History.—Questions (*a*) on the General and (*b*) on the Constitutional History of Rome to the death of Vespasian.

In Greek and Roman History candidates will be expected to show a knowledge of the original authorities.

Mathematics.—Plane Geometry including conic sections; Solid Geometry including the method of orthogonal projection; Algebra and Plane Trigonometry; Elementary Plane Co-ordinate Geometry; Elementary Mechanics of solids and fluids; Geometrical Optics; Elements of Differential and Intergal Calculus with simple illustrations from other branches of the subject.

Advanced Mathematics.—Higher Algebra (including Theory of Equations), Plane and Spherical Trigonometry, Differential Calculus, Integral Calculus, Differential Equations, Analytical Geometry (Plane and Solid), Statics including Attractions, Dynamics of a Particle, Rigid Dynamics, Hydrodynamics, the Mathematical Theory of Electricity and Magnetism.

Logic and Psychology.
Moral and Metaphysical Philosophy. }—In both cases the history of the subject will be included.

Political Economy and Economic History.—Candidates will be expected to possess a knowledge of economic theory as treated in the larger text-books, also a knowledge of the existing economic conditions, and of statistical methods as applied to economic inquiries, together with a general knowledge of the history of industry, land tenure and economic legislation in the United Kingdom.

Political Science.—The examination will not be confined to Analytical Jurisprudence, Early Institutions, and Theory of Legislation, but may embrace Comparative Politics, the History of Political Theories, etc.

Candidates will be expected to show a knowledge of original authorities.

CIVIL SERVICE COMMISSION,

July 1907.

[Copies of this paper may be obtained on application to the Secretary to the Government of India, Home Department.]

CIVIL SERVICE OF INDIA.

OPEN COMPETITION OF 1908.

FORM TO BE FILLED UP BY CANDIDATES FOR EXAMINATION.

*** *The order for admission to the Examination will not be issued unless this Form filled up by the Candidate himself, is received by the Secretary of the Civil Service Commission on or before the* 1st July, 1908.

SIR,

I beg to inform you that I wish to be a Candidate at the Examination for the Civil Service of India, which is appointed to commence in London on the 1st of August 1908.

Candidates not born within the British Dominions should state this fact in a separate letter.

I am a natural-born subject of His Majesty.

I hereby declare that I was born on the   day of
18   , and that therefore I shall have attained the age of 22 years and shall not have attained the age of 24 years on the 1st of August, 1908; I also declare that I have no disease, constitutional affection, or bodily infirmity unfitting me, or likely to unfit me, for the Civil Service of India; and that I am of good moral character, and otherwise eligible under the Regulations; and I undertake that, if I am successful, I will conform, during my period of probation, to such rules respecting the conduct of Public Servants as have been laid down, or may hereafter be laid down, by the Secretary of State for India in Council.

Candidates who are not Natives of India should strike out this paragraph.

I send herewith a Certificate of age and nationality issued in accordance with the rule respecting Natives of India printed in paragraph III, on the next page.

*If you have never been examined, insert here the word "never."

†If you have been examined, give the date, &c., of the *last* occasion.

I beg to inform you that I was* ______ examined before the Civil Service Commissioners in the month of † ______ in the year 1 ______, as a Candidate for the situation of ______

I am, SIR,

Your obedient Servant,

Name in full

‡If a London address, state the postal district; if a country address, state the post town.

Address to which it is desired that the Order for Examination should be sent‡ ______

Date ______

The Secretary,

Civil Service Commission.

Certificates of age (except as mentioned above), health, and character should not be supplied until after the result of the Examination is known.

N.B.—*Attention is drawn to the annexed Form, which must be filled up by every Candidate.*

If an Open Competitive Examination for Clerkships (Class I), in the Home Civil Service should be appointed to be held in August, 1908, I request that a prescribed Form of Application may be forwarded to me when ready for issue.

Signature ______

This application form relates only to the competition for the Civil Service of India and does not entitle a candidate to compete also for the Home or Colonial Civil Service. Intending candidates for either or both of these services must obtain the proper form or forms of application and forward them so as to reach the Secretary, Civil Service Commission, on or before July 1st. See next page.

If an Open Competitive Examination for Eastern Cadetships should be appointed to be held in August, 1908, I request that a prescribed Form of Application may be forwarded to me when ready for issue.

*Signature*____________________

EVIDENCE OF AGE TO BE REQUIRED FROM CANDIDATES FOR THE CIVIL SERVICE OF INDIA.

I. Every Candidate born in the United Kingdom should be prepared to produce, when required, a Certificate from the Registrar-General of Births, Marriages, and Deaths, or from one of his provincial Officers. This Certificate may be obtained from the Registrar-General in London, Dublin or Edinburgh, or from the Superintendent Registrar of the District in which the birth took place.

II. A Candidate born of European parents in India should be prepared to produce, when required, a Certificate of Baptism from the district in which he was baptised. If this does not also mention the date of birth it should be accompanied by a statutory declaration by one of the Candidate's parents, stating the date and place of birth. When such certificates are not in the possession of the candidates an Extract from the Registers kept at the India Office will probably be obtainable.

III A Candidate who is a Native of India must, on or before the 1st July, 1908, produce a certificate of age and nationality issued under Notification of the Government of India, No 2252, dated 21st August, 1888, as amended by Notification No. 404, dated 19th May, 1898, and signed, should he be a resident in British India, by the Secretary to Government of the Province, or the Commissioner of the Division within which his family resides, or, should he reside in a Native State, by the highest Political Officer accredited to the State in which his family resides. *No other Certificates will be accepted for this Competition.*

To be filled up by the Candidate himself, and returned with the Form of Application.

CIVIL SERVICE OF INDIA.

OPEN COMPETITIVE EXAMINATION COMMENCING 1ST AUGUST, 1908.

*** THIS FORM MUST BE RECEIVED AT THE OFFICE OF THE CIVIL SERVICE COMMISSION ON OR BEFORE THE 1ST JULY 1908.

*** *Place your Initials against the subjects which you select, and sign your name in the place indicated on the back of this Form.*

Extract from Clause 4 of the Regulations:

"Candidates are at liberty to name any of these branches of knowledge with the proviso that the maximum number of marks that can be obtained from the subjects chosen is limited to 6,000. If this maximum is exceeded by a candidate's selection, he will be required to indicate one of his subjects, the marks for which should, in his case, be reduced so as to bring his maximum marks within the prescribed limit. The marks so reduced will be subject to the correspondingly reduced deduction under Clause 6."

INITIALS.		MAXIMUM MARKS.
....	English composition	500
....	Sanskrit	600
....	Arabic	600
	Greek, *viz.*:	
....	Translation	300
....	Composition	300
....	Literature	300
	Latin, *viz.*:	
....	Translation	300
....	Composition	300
....	Literature	300
....	English	600

INITIALS.		MAXIMUM MARKS.
....	† Italian	600
....	† French	600
....	† German	600
....	Mathematics	1,200
....	Advanced Mathematics	1,200
	Natural Science, *viz.* :	
....	‡ Chemistry	600
....	‡ Physics	600
....	‡ Geology	600
....	‡ Botany	600
....	‡ Zoology	600
....	‡ Animal Physiology	600
....	Greek History	500
....	Roman History	500
....	English History, Period I	400
....	English History, Period II	400
....	General Modern History, Period ________	500
....	Logic and Psychology	600
....	Moral and Metaphysical Philosophy	600
....	Political Economy and Economic History...	600
....	Political Science	500
....	Roman Law	500
	English Law, *viz.*:	
....	Law of Contract	500 (for the five Law subjects together)
....	Law of Evidence	
....	Law of the Constitution	
....	Criminal Law	
....	Law of Real Property	

Signature ____________________

Date ____________________

†‡See Notes on the next page.

In addition to the Written Examination there will be an Oral Examination in each of the subjects marked thus †, and a Practical Examination in each of the subjects marked thus ‡. For the Practical Examination in Chemistry candidates may bring any standard books on Analysis, and, for the Practical Examination in Botany, any standard Flora. All books brought must be submitted to the Presiding Examiner for his approval. No written notes of any kind will be allowed.

The Oral Examinations in Modern Languages being intended as colloquial *tests no marks will be given at them to Candidates who are not able to converse.*

Any Candidate who wishes to decline *the Oral Examination or the Practical Examination in any of the subjects selected by him, should state this in the blank space below.*

To the Secretary,

Civil Service Commission,

London, W.

N.B.—*Attention is drawn to the annexed Form, which must be filled up by every Candidate.*

[*Copies of this paper may be obtained on application to the Secretary to the Government of India, Home Department.*]

NOTE.

If Open Competitive Examinations for the following Services, *viz.*:

Eastern Cadetships in the Colonial Service :

Clerkships (Class I) in the Home Civil Service ;

should be held in 1908 concurrently with the Open Competitive Examination for the Civil Service of India, candidates duly eligible in respect of age will be admitted to compete for any two or all three of these Services, subject to the following conditions :

(1) They must enter and return to the Secretary, Civil Service Commission, within the time limited by the several regulations, an application on the form prescribed for each of the respective services.*

(2) Every successful candidate who may have been admitted to compete for either the India or the Colonial Service (or both), as well as for the Home Service, will be called upon to declare, immediately after the announcement of the result of the competitions, whether he prefers his name to remain on the list of candidates for the India or Colonial Service or on the list of candidates for Clerkships in the Home Civil Service.

The name of any candidate who fails to declare his choice when called upon to do so will be removed from the list of candidates for Clerkships in the Home Civil Service.

(3) Every successful candidate who may have been admitted to compete for both the India and Colonial Services will be called upon to declare, immediately after the announcement of the result of the competitions, whether he prefers his name to remain on the list of candidates for the Civil Service of India or on the list of candidates for Eastern Cadetships in the Colonial Service.

The name of any candidate who fails to declare his choice when called upon to do so will be removed from the list of candidates for Eastern Cadetships.

(4) All declarations of choice are irrevocable.

(5) Candidates for all three or any two of the above-mentioned services will be required to pay a consolidated fee of £6.

CIVIL SERVICE COMMISSION,

20th July, 1907.

---

* Candidates who may desire to enter the competitions for the Home and Colonial Services should apply about the beginning of February next to the Secretary, Civil Service Commission, London, W., for the prescribed forms of application.

ECCLESIASTICAL.

The 13th September, 1907.

No. 397.—The following addition is made to part IV of the ecclesiastical rules published with the Home Department notification No. 178, dated the 21st May 1897 :

Rule XXVI (*A*).—In cases in which articles of furniture supplied wholly or in part from Government funds are considered to have become obsolete or unsuitable, though not necessarily unserviceable, they may, with the previous approval of the local Government be sold and the sale proceeds utilized towards the cost of replacing them, provided always that sufficient private subscriptions are forthcoming to ensure the replacement of the old articles by new ones of greater value or more appropriate design.

H. A. STUART,

Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 9th September, 1907.

No. 124.—Mr. E. A. Dennys, Examiner of Accounts, has been granted by His Majesty's Secretary of State for India, furlough for six months in extension of that sanctioned in Public Works Department Notification No. 37, dated 15th March 1906.

L. M. JACOB,

Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 13th September, 1907.

APPOINTMENTS.

CANTONMENT MAGISTRATES' DEPARTMENT.

No. 787.—The services of Captain R. Scott, 54th Sikhs (Frontier Force), are placed at the disposal of the Punjab Government, for employment as an officiating Assistant Cantonment Magistrate.

A. W. L. BAYLY,

Secretary to the Government of India

Punjab Government Press, Lahore—20-9-07—792.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, SEPTEMBER 27, 1907.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED SEPTEMBER 21, 1907,

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 18th September, 1907.

No. 127.—The Governor General in Council is pleased to order the following promotions and reversions to and in the Classes of Chief and Superintending Engineers of the Public Works Department, with effect from the dates specified:

Names.	From	To	With effect from
			1907.
* *	* * *	* * *	*
Bellasis, E. S. ...	Superintending Engineer, 1st Class, *temporary rank.*	Superintending Engineer, 2nd Class, permanent.	11th February.
* *	* * *	* * *	*
Gordon, W. B., C.I.E. ...	Superintending Engineer, 1st Class, *temporary rank.*	Superintending Engineer, 1st Class, permanent.	13th February.
* *	* * *	* * *	*
Bird, W. J. A. ...	Superintending Engineer, 2nd Class, *temporary rank.*	Superintending Engineer, 2nd Class, sub. *pro tem.*	15th February.
Bellasis, E. S. ...	Superintending Engineer, 2nd Class, permanent.	Superintending Engineer, 1st Class, *temporary rank.*	4th March.
Bagley, W. A. ..	Officiating Superintending Engineer.	Superintending Engineer, 3rd Class, *temporary rank.*	4th March.

Names.	From	To	With effect from
			1907.
Goument, C. E. V. ...	Superintending Engineer, 3rd Class, permanent.	Superintending Engineer, 2nd Class, permanent.	17th March.
* *	* * *	* * *	*
Bellasis, E. S. ...	Superintending Engineer, 1st Class, *temporary rank.*	Superintending Engineer, 2nd Class, permanent.	25th April.
* *	* * *	* * *	*
Sanders, H. C. ...	Superintending Engineer, 3rd Class, *temporary rank.*	Executive Engineer, 1st grade ...	29th April.
Frost, H. F. B. ...	Superintending Engineer, 1st Class, *temporary rank.*	Superintending Engineer, 1st Class, permanent.	1st June.
Bird, W. J. A. ...	Superintending Engineer, 2nd Class, sub. *pro tem.*	Superintonding Engineer, 2nd Class, permanent.	1st June.
* *	* * *	* * *	*
Bellasis, E. S. ...	Superintending Engineer, 2nd Class, permanent.	Superintending Engineer, 1st Class, *temporary rank.*	14th June.
* *	* * *	* * *	*
Maclagan, Lt.-Col. R. S., R.E.	Superintending Engineer, 3rd Class, *temporary rank.*	Superintending Engineer, 3rd Class, permanent.	24th June.
* *	* * *	* * *	*
Davis, J. G. ...	Officiating Superintending Engineer.	Superintending Engineer, 2nd Class, *temporary rank.*	25th July.
* *	* * *	* * *	*
Gwyther, F. E. ...	Officiating Superintending Engineer.	Superintending Engineer, 3rd Class, *temporary rank.*	28th July.

L. M. JACOB,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATIONS.

GEOLOGY AND MINERALS.

Simla, the 19th September, 1907.

No. 7861.—36.—In exercise of the power conferred by section 20 of the Indian Mines Act, 1901 (VIII of 1901), the Governor-General in Council is pleased to make, in supersession of the rules published with Notifications Nos. 3352—45-32, and 3938-35, dated the 27th December, 1901, and 23rd May, 1906, respectively, the following rules for application to all mines in British India:

1. When an accident occurs in or about a mine causing loss of life or serious* bodily injury, or when an accidental explosion occurs in a mine, the owner, agent or manager of the mine shall give notice of the accident to the Chief Inspector of Mines by despatching to the Magistrate of the district or to the Sub-divisional Magistrate, for transmission to the Chief Inspector of Mines, a notice in the form set forth below, within 24 hours of the occurrence of such accident:

* NOTE.—An injury is said to be serious which involves or will in all probability involve the loss of, or permanent injury to, any limb, or to the sight or hearing, or fracture of any limb, or enforced absence from work for 20 days, or which is declared by any medical officer to be serious. (Circular No. 42—70-6, dated, 4th September, 1902, of the Government of India in the Department of Revenue and Agriculture.)

No.

NOTICE OF ACCIDENT.

Indian Mines Act, 1901.

From—

To—The Chief Inspector of Mines, through the District / Sub-divisional Magistrate of

Dated 190 .

SIR,

I have the honour to furnish the following particulars of a fatal / serious accident / an accidental explosion

which has occurred at the Mine:

1. Situation of the Mine ... (Village, Station, District, Province.) ...	
2. Mineral worked	
3. Name and postal address of owner ...	

4. Name and sex of persons.		Age	Occupation.
Killed.	Injured.		

5. Date and hour of accident ...	
6. Place of accident	
7. Cause and description of accident ...	
8. Classification of accident (*see* rule 2)	
9. Nature of injury, and if fatal, cause of death.	

I have the honour to be,

SIR,

Your most obedient servant,

Owner,
Agent,
Manager.

2. For the purposes of entry No. 8 in the form of notice prescribed by rule 1, one or other of the following terms shall be used, namely:

(1) Explosions of fire damp; (2) falls of roof; (3) falls of side; (4) in shafts (overwinding); (5) in shafts (ropes and chains breaking); (6) in shafts (whilst ascending or descending by machinery); (7) in shafts (falling into the shaft from the surface); (8) in shafts (falling from part of the way down); (9) in shafts (things falling from the surface); (10) in shafts (things falling from part of the way down); (11) in shafts (miscellaneous); (12) suffocation by gases; (13) by explosives; (14) irruptions of water or falling into water; (15) haulage; (16) by underground machinery; (17) sundries undergrounnd; (18) by surface machinery; (19) surface boilers or pipes bursting; (20) on surface railways or tramways belonging to the mine; (21) miscellaneous on surface.

3. When any person dies from the result of an injury already reported as serious under rule 1, the owner, agent or manager of the mine shall send notice, within 24 hours of his being informed of the death, to the Chief Inspector of Mines, through the Magistrate of the district or the Sub-divisional Magsitrate.

4. When a mine, seam or vein has been abandoned for more than one month, or the working thereof discontinued for more than two months, the owner of the mine, seam or vein shall, within seven days after the expiry of such period, send notice to the Chief Inspector of Mines specifying the name and situation of the mine, the name of the owner and the date and cause of abandonment or discontinuance.

5. When a mine, seam or vein is re-opened after abandonment or discontinuance, the owner shall send notice to the Chief Inspector of Mines within one month after the date of re-opening.

6. When a change occurs in the name of a mine, or of an owner or agent of a mine, notice of the change shall be sent by the owner, agent or manager, to the Chief Inspector of Mines within one month after such change.

CUSTOMS.

The 19th September, 1907.

No. 8003—103.—In exercise of the power conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to prohibit the bringing by sea or by land into British India of any copy, whether heretofore or hereafter issued, of the following publications :

1. The "Gaelic American."
2. The "Indian Sociologist".
3. "Justice."

B. ROBERTSON,

Offg. Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 20th September, 1907.

PROMOTIONS.

No. 809.—The following promotions are made, subject to His Majesty's approval :

INDIAN MEDICAL SERVICE.

Lieutenants to be Captains.

1st September 1907.

* * * * *

Alfred Henry Proctor.

* * * *

SPECIAL.

No. 810.—With reference to paragraph 293, Army Regulations, India, Volume II, the undermentioned officers having been absent from military duty for ten years, are transferred to the supernumerary list, with effect from the dates specified :

Captain J. Frizelle, Assistant Commissioner, Punjab,—18th September 1907.

* * * * *

A. W. L. BAYLY,

Secretary to the Government of India.

Punjab Government Press, Lahore—27-9-07—792.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, OCTOBER 4, 1907.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED SEPTEMBER 28, 1907.

HOME DEPARTMENT.

NOTIFICATIONS.

PUBLIC.

Simla, the 23rd September, 1907.

No. 2531.—The Governor General in Council directs that the following rules regarding the use of uniform by officers in civil employ shall be substituted for those published with the notification of the Government of India in the Home Department No. 111, dated the 15th January 1904, as amended by notifications Nos. 3926, 16 and 842, dated respectively the 8th December 1905 and 4th January and 27th March 1907 :—

Rules regarding the use of uniform by officers in civil employ.

[These Rules will not apply to officers holding political appointments, whose uniform will continue to be regulated by the orders issued in the Foreign Department.]

I.—The uniform to be worn by officers in civil employ will be that shown in the schedule appended to these rules.

II.—Civil officers who do not hold purely political appointments but merely have some political work to do in addition to the ordinary duties of their office, are not entitled to wear political uniform.

III.—An officer is not entitled to continue to wear the uniform of an office which he has ceased to hold.

IV.—At Levées, Drawing Rooms and State ceremonials, officers of the Army in civil employ, for whom no political or special uniform is prescribed, shall wear the uniform of the Corps or Department to which they belong: and, on all occasions on which military mess dress is worn by officers in military employ, it may also be worn by military officers in civil employ. But when a military officer is appointed substantively to any civil office for which uniform is prescribed, he shall wear the uniform of that office.

V.—An officer appointed temporarily to an office, for which a uniform is prescribed, need not wear that uniform.

VI.—Retired civil officers, who, when last on duty in India, were entitled to wear uniform, will be permitted to wear their uniform at the Court of His Majesty the King-Emperor; such officers will, when living in India, be permitted to wear their uniform at Government Houses and on any occasion on which, before their retirement, they would have worn it.

VII.—Civil Officers whose retirement is due to misconduct will not enjoy the privilege conferred by rule VI.

VIII.—Members of the Indian Civil Service, when on leave in England or otherwise present there during their service, will be permitted to wear their uniform at the Court of His Majesty the King-Emperor.

When attending Full Dress functions such as Courts and State Balls, in England, officers entitled to wear uniform of the first and second classes described below, should wear breeches, stockings, and shoes, as described in the extract from the publication entitled "Dress worn at Court" reprinted below, instead of trousers and boots.

SCHEDULE.

OFFICES AND APPOINTMENTS THE HOLDERS OF WHICH ARE ENTITLED TO WEAR UNIFORM.

PART I.

Offices and appointments under the Government of India.

Offices and appointments.	Uniform to be worn.
1. Ordinary Members of the Council of the Governor General.	The uniform prescribed for officers of the second class in the publication entitled "Dress worn at Court" (extract annexed).
2. Secretaries, Deputy Secretaries and Under-Secretaries to the Government of India in the following Departments : Home. Revenue and Agriculture. Finance. Public Works. Legislative. Commerce and Industry. Private Secretary to His Excellency the Viceroy when not an officer of the Army. 3. Heads of Departments subordinate to the Government of India, *viz* : Chairman, Railway Board. Members, Railway Board. Comptroller and Auditor-General. Director-General of the Post Office of India. Director-General of Telegaphs. Director of Railway Construction. Commissioner, Northern India Salt Revenue. Inspector-General of Forests. Director, Geological Survey of India. Director-General of Education in India. Secretary, Railway Board. Director-General of Commercial Intelligence. Director-General of Archæology. Inspector-General of Agriculture in India. Director-General of Observatories. Controller of Printing, Stationery and Stamps.	First class, as shown in the "Description of Civil Uniform" appended.

PART II.

Heads of local Governments and Administrations and officers holding appointments subordinate to them.

Offices and appointments.	Uniform to be worn.
1. The Governors of Madras and Bombay	The uniform prescribed for officers of the first class in the publication entitled "Dress worn at Court" (extract annexed).
2. Lieutenant-Governors	The uniform prescribed for officers of the second class in the publication entitled "Dress worn at Court" (extract annexed).
3. Ordinary Members of the Councils of the Governors of Madras and Bombay.	The uniform prescribed for officers of the third class in the publication entitled "Dress worn at Court" (extract annexed).
4. Chief Commissioner of the Central Provinces.	First class, as shown in the "Description of Civil Uniform" appended.
5. Secretaries ... ... Heads of the principal Departments ... Commissioners of Divisions and Revenue Officers superior to them. The Superintendent of Port Blair ... Settlement Commissioners under local Governments. Private Secretaries to Governors when not officers of the Army.	First class " " "
6. Private Secretaries to Lieutenant-Governors when not officers of the Army Under-Secretaries in the Political Department. Personal Assistant to the Chief Commissioner of the Central Provinces when not an officer of the Army.	Second class " " "

NOTE—Lieutenant-Governors and Ordinary Members of the Council of the Governor General, or of the Governors of Madras and Bombay, may wear the evening dress prescribed in the "Description of Civil Uniform," and at open air functions the undress helmet.

Extract from the publication entitled "Dress worn at Court."

FULL DRESS.

COAT FOR 1ST AND 2ND CLASS.—Blue cloth, single breasted, stand collar. The collar and cuffs of black velvet; pocket flaps of blue cloth; the fronts to hook and eye: nine buttons on the left front (not to button), two at the waist behind, and two at the bottom of the back skirts. White silk linings.

Gold oakleaf embroidery on the fronts as follows:

1st class, 5 inches wide.

2nd class, 4 inches wide, with "saw" edges. The collar, cuffs, pocket flaps, back, skirts, and back skirts are also embroidered.

BUTTONS.—Gilt; mounted; the Royal Arms with supporters.

COAT FOR 3RD, 4TH AND 5TH CLASS.—The coat described below under "Levée Dress."

BREECHES.—White kerseymere with three covered buttons at the knee and gil buckles.

STOCKINGS.—White silk.

SHOES.—Black patent leather with gilt buckles.

SWORD.—Of Regulation pattern with black scabbard and gilt mountings.

SWORD KNOT.—Gold lace strap with bullion tassel.

SWORD BELT.—White web, worn over the shoulder and under the coat. White cloth frog for sword.

HAT.—1st class, black beaver cocked hat, black silk cockade. Treble gold bullion loop with tassel and hangers. White ostrich feather border.

2nd class, as above, with double gold bullion loop, plain gold tassels without hangers.

3rd, 4th, and 5th class, same as above, but with plaited gold bullion loop and *black* ostrich feather border. No tassels.

GLOVES.—White.

LEVEE DRESS.

COAT.—Blue cloth, single-breasted, stand collar. Black velvet collar and cuffs. Nine buttons up fronts, to button. Two buttons at waist behind. The 1st and 2nd class have gold embroidery on the collar, cuffs, pocket flaps, and back, as on the full dress coat. The 3rd and 4th class have embroidery on the collar, cuffs, back and pocket flaps. The 5th class, embroidery on the collar, cuffs, and pocket flaps only. Width of embroidery is, 1st class, 5 inches, 2nd class, 4 inches, 3rd class 3 inches, 4th class, 2 inches, and 5th class, ⅝ths of an inch. Gilt mounted buttons of Royal Arms (without supporters) surmounted by the Imperial Crown. Black silk linings and a black silk stock at the front of the neck.

TROUSERS.—Blue cloth, with stripes of gold oakleaf lace on the side seams. The lace of width as follows :—
1st and 2nd class, 2½ inches.
3rd and 4th class, 2 inches.
5th class, 1 inch.

BOOTS.—Plain, military, patent leather are worn with trousers.

HAT.
SWORD. }—The same as full dress.
SWORD KNOT.

SWORD BELT.—A blue cloth frog is worn with Levée Dress.

GLOVES.—White.

FOR MOURNING.—A black crêpe band 3¼ inches wide, worn above the elbow on the left arm.

NOTE.—The full Dress Coat prescribed for the Governors of Madras and Bombay, Lieutenant-Governors and Ordinary Members of the Council of the Governor-General or of the Councils of the Governors of Madras and Bombay, should only be worn in India with knee breeches. [On certain ceremonial occasions in England the full Dress Coat is sometimes worn with trousers, *viz.*, at Royal Weddings and when His Majesty opens Parliament.]

The two classes of uniform should be worn on the following occasions respectively :

Full Dress.—State Balls and Drawing rooms, and all State ceremonies in the evening at which ladies are present.

Levée Dress.—State dinners, Levées, and Official arrivals and departures.

Description of Civil Uniform.

FIRST CLASS.

FULL DRESS.

The Levée Dress prescribed for officers of the third class in the annexed extract from the publication "Dress worn at Court."

UNDRESS (*Morning*).

COAT.—Blue cloth (frock), with black silk lining; black velvet collar and cuffs and gilt buttons with Royal Arms; waistcoat white marsala, single-breasted, with buttons as above.

HAT.—Helmet, white felt, rim edged with gold, peak and neck-shade braided with gold, white silk puggree with gold fringe according to sealed pattern.

TROUSERS.—Blue cloth, or white, according to circumstances, with gold oak-leaf one inch wide, straps and gilt swan-necked spurs.

SWORD.—Mameluke pattern. Brass scabbard.

SWORD BELT.—One-and-a-half inches wide. Lining of red Morocco leather. Sling Russia leather one inch wide on red Morocco leather, covered with gold oak-leaf lace.

FORAGE CAP.—Blue cloth with gold embroidered peak on black patent leather, and band of gold oak-leaf lace two inches wide round the cap.

GREAT COAT AND CAPE.—Blue milled cloth, double-breasted, two rows of gilt buttons down front, six in each row; stand and fall collar of black velvet, four inches deep, with fly to cover band of cape. Loose round cuffs six inches deep, pockets at sides with flaps. Two openings at side-seams, with pointed flap 11 inches long, and three gilt buttons. Sword slit on left side. Opening behind about 25 inches long, and a gusset extending to bottom with a tap and button to close it when worn on foot. Cloth back strap with gilt buckle, two inches wide, to confine the coat at waist. Cape of same cloth as coat. Four small gilt buttons down front to fasten at neck with small strap and buckle; lined black.

BOOTS.—Plan Wellington.

SPURS.—Box, brass, swan-necked.

EVENING DRESS.

COAT.—Blue cloth evening coat, black lining; velvet collar and cuffs; facings plain black silk; waistcoat white marsala, single-breasted, buttons as in morning undress.

TROUSERS.—Plain black cloth.

SECOND CLASS.

FULL DRESS.

The Levée Dress prescribed for officers of the fifth class in the annexed extract from the publication "Dress worn at Court."

UNDRESS (*Morning*).

COAT.—Blue cloth (frock), with black silk lining; velvet collar and cuffs and gilt buttons with Royal Arms; waistcoat white marsala, single-breasted, with buttons as above.

HAT.—Helmet, white felt, rim edged with gold, with white silk puggree according to sealed pattern.

TROUSERS.—Blue cloth or white, according to circumstances, with gold oak-leaf half inch wide straps and gilt swan-necked spurs.

SWORD.—Mameluke pattern. Steel scabbard.

SWORD BELT.
FORAGE CAP.
GREAT COAT AND CAPE.
BOOTS.
SPURS.
} —Same as for class I.

EVENING DRESS.

COAT.
TROUSERS.
} —Same as for class I.

NOTE.—The helmet may be worn with full dress when the officer is exposed to the sun. Officers need not, unless they desire, provide themselves with the great-coat and cape described in these Regulations.

MEDICAL.

The 27th September, 1907.

No. 1090.—Captain C. W. F. Melville, M.B., I.M.S., is appointed to officiate as Professor of Anatomy, Lahore Medical College, with effect from the 20th September 1907, during the absence on furlough of Major J. C. Lamont, M.B., I.M.S. (Bengal), or until further orders.

H. H. RISLEY,

Secretary to the Government of India.

DEPARTMENT OF REVENUE AND AGRICULTURE.

NOTIFICATION.

FORESTS.

Simla, the 27th September, 1907.

No. 131—305-3-F.—Mr. E. G. Chester, Conservator of Forests, 1st grade, on leave, is permitted to retire from the service of Government, with effect from the 17th September 1907.

From the same date the following promotions are made :

* * * * * * * *

(ii) Mr. C. P. Fisher, Conservator, 3rd (Officiating 2nd) grade, Punjab, is confirmed in the latter grade.

* * * * * * * *

J. WILSON,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATIONS.

EMIGRATION.

Simla, the 26th September, 1907.

No. 8161—65.—In exercise of the power conferred by section 80 of the Indian Emigration Act, 1883 (XXI of 1883), the Governor General in Council is pleased to direct that the following rule shall be inserted after rule 1 under the head "*Fittings of the upper deck*" in Schedule D of the Rules published with the notification of the Government of India in the Department of Revenue and Agriculture, No. 94-E., dated the 18th March 1886, as subsequently amended, namely :

1A. A separate compartment approved by the Protector of Emigrants and the Medical Inspector of Emigrants, and sufficient for at least two persons, shall be provided for the accommodation of emigrants who may become insane or violent and obstreperous during the voyage.

EXPLOSIVES.

The 26th September, 1907.

No. 8240—31.—In accordance with the provisions of section 18 of the Indian Explosives Act, 1884 (IV of 1884), and of the notification of the Government of India in the Home Department, No. 1964, dated the 2nd September 1887, the Governor General in Council is pleased to publish for general information the following amendments which His Excellency in Council, in exercise of the powers conferred by section 5 of the said Act, proposes to make in the rules regulating the transport and importation of Explosives published with the notification in this Department, No. 4555-4 (Explosives), dated the 31st May 1907.

The draft will be taken into consideration by the Governor General in Council on the expiration of two months from the date of publication of this notification in the *Gazette of India*.

Draft amendments.

(1) In rule 17, after the word "Aden" the words "(in the case of the explosives referred to in rule 18) Chittagong," shall be inserted.

(2) In rule 18, after the word "Aden," the word "Chittagong," shall be inserted.

MERCHANT SHIPPING.

The 27th September, 1907.

No. 8289—23.—The following alteration which has been made in the rules issued by the Board of Trade under the English Merchant Shipping Act, 1906, to regulate the loading of timber on vessels visiting the United Kingdom, which were published in this Department Notification, No. 3103—23, dated the 12th April 1907, is notified for general information :

Substitute the words "four feet" for the words "three feet" in Clause 1 of Rule III.

POST OFFICE.

The 27th September, 1907.

No. 8290—279.—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), the Governor General in Council is pleased to direct that, with effect from the 1st October 1907, the following amendments shall be made in the Rules published in the Notification in the Finance and Commerce Department, No. 1429-C.—S.R., dated the 30th March 1899, as amended by subsequent notifications :

In rule 1—

(*a*) substitute the following for the three entries under the head "*Letters*" :

For a letter not exceeding one tola in weight ...	Half an anna.
For a letter exceeding one tola, but not exceeding ten tolas, in weight	One anna.
For every additional ten tolas, or part of that weight	One anna.

(*b*) substitute the following for the three entries under "(*a*) *Parcels not exceeding* 440 *tolas in weight*" :

For a parcel not exceeding forty tolas in weight ...	Two annas.
For every additional forty tolas or part of that weight	Two annas.

In rule 3 under the head "*Letters*—"

(*a*) for the entries—

"For a letter not exceeding half an ounce in weight	One anna.
For every additional half ounce or part of that weight	One anna."

substitute the following:—

For a letter not exceeding one ounce in weight ...	One anna.
For every additional ounce or part of that weight	One anna.

(*b*) for the entries—

"For a letter not exceeding half an ounce in weight	Two and a half annas.
For every additional half ounce or part of that weight	Two and a half annas."

substitute the following :

For a letter not exceeding one ounce in weight ...	Two and a half annas.
For every additional ounce or part of that weight	One and a half annas.

B. ROBERTSON,

Offg. Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 27th September, 1907.

APPOINTMENTS.

CANTONMENT MAGISTRATES' DEPARTMENT.

No. 818.—Consequent on the retirement of Lieutenant-Colonel W. F. C. C. Plowden, Indian Army, Cantonment Magistrates' Department, the following promotions are made with effect from the 6th September 1907:

Major E. Waller, 2nd grade Cantonment Magistrate provisionally, to be 2nd grade Cantonment Magistrate substantively.

Lieutenant-Colonel R. E. S. Taylor, officiating 2nd grade Cantonment Magistrate, to be 2nd grade Cantonment Magistrate provisionally, with staff pay at Rs. 600 a month.

* * * * * * * *

Major W. S. Eardley Howard, Assistant Cantonment Magistrate, to be Cantonment Magistrate provisionally.

* * * * * * * *

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

1st Punjab Volunteer Rifles.

No. 832.—John Archibald Ross, gentleman, to be Lieutenant, to fill an existing vacancy. Dated 8th July 1907.

North-Western Railway Volunteer Rifles.

No. 837.—Lieutenant-Colonel Stephen Finney, C.I.E., resigns his commission. Dated 7th September 1907.

A. W. L. BAYLY,

Secretary to the Government of India.

Punjab Government Press, Lahore—4-10-07—791.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, OCTOBER 11, 1907.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED OCTOBER 5, 1907.

HOME DEPARTMENT.

NOTIFICATION.

ESTABLISHMENTS

Simla, the 4th October, 1907.

No. 1131.—The services of the Honourable Mr. D. C. Baillie, of the Indian Civil Service, officiating Member of the Board of Revenue, United Provinces, are placed temporarily at the disposal of the Government of the Punjab.

H. H. RISLEY,

Secretary to the Government of India.

DEPARTMENT OF REVENUE AND AGRICULTURE.

NOTIFICATION.

CIVIL VETERINARY ADMINISTRATION.

Simla, the 4th October 1907.

No. 1723—98-19.—Major H. T. Pease, M.R.C.V.S., C.I.E., Principal, Punjab Veterinary College, is appointed to be Inspector-General, Civil Veterinary Department, with effect from the 3rd September 1907, *vice* Colonel J. W. A. Morgan, M.R.C.V.S., retired.

J. WILSON,

Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATION.

Simla, the 4th October 1907.

No. 3862-*I.C.*—Captain J. C. Freeland, Assistant Inspecting Officer of the Punjab Imperial Service Infantry, officiated as Inspecting Officer of the Punjab Imperial Service Infantry, in addition to his own duties, from the 9th May, 1907, to the 27th June, 1907, both days inclusive.

L. W. DANE,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATION.

POST OFFICE.

Simla, the 4th October, 1907.

No. 8452—249—*Erratum.*—For "Table I" published with the Resolution of the Government of India in this Department No. 4519—4554-47, dated the 29th May 1907, substitute the annexed table :

TABLE I.

LIFE INSURANCE.

The payment of Rupees Fifty (50) at death can be secured by monthly subscriptions for a stated number of years, the amounts of which depend on the age of the subscriber, as shown below :—

1	2		3
Age.	BY PAYMENT OF A MONTHLY SUBSCRIPTION, COMMENCING AT THE AGE ENTERED IN COLUMN 1, AND CEASING AT THE AGE OF		By payment of a monthly subscription, commencing at the age entered in column 1, and continuing for remainder of life.
	50	55	
	Rs. A. P.	Rs. A. P.	Rs. A. P.
18	0 1 4	0 1 3	0 1 2
19	0 1 4	0 1 3	0 1 2
20	0 1 5	0 1 3	0 1 3
21	0 1 5	0 1 4	0 1 3
22	0 1 6	0 1 4	0 1 3
23	0 1 6	0 1 5	0 1 4
24	0 1 8	0 1 6	0 1 4
25	0 1 9	0 1 7	0 1 5
26	0 1 10	0 1 8	0 1 6
27	0 1 11	0 1 9	0 1 7
28	0 2 0	0 1 10	0 1 7
29	0 2 1	0 1 11	0 1 8
30	0 2 2	0 2 0	0 1 9
31	0 2 4	0 2 1	0 1 10
32	0 2 6	0 2 2	0 1 11
33	0 2 8	0 2 4	0 2 0
34	0 2 10	0 2 5	0 2 1
35	0 2 11	0 2 7	0 2 1
36	0 3 2	0 2 8	0 2 2
37	0 3 5	0 2 10	0 2 3
38	0 3 0	0 [illegible] 11	0 2 4
39	0 4 0	0 3 2	0 2 5
40	0 4 5	0 3 5	0 2 6
41	0 4 10	0 3 8	0 2 8
42	0 5 5	0 3 10	0 2 9
43	0 6 2	0 4 2	0 2 11
44	0 7 1	0 4 7	0 2 11
45	0 8 6	0 5 0	0 3 1
46	...	...	0 3 2
47	...	...	0 3 4
48	...	...	0 3 6
49	...	...	0 3 8
50	...	...	0 3 9

B. ROBERTSON,

Offg. Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 4th October, 1907.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

North-Western Railway Volunteer Rifles.

No. 856.—Lieutenant-Colonel Frederick Robert Bagley resigns his commission. Dated 1st September 1907.

A. W. L. BAYLY,

Secretary to the Government of India.

Punjab Government Press, Lahore—11-10-07—792.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, OCTOBER 18, 1907.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED OCTOBER 12, 1907.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 9th October, 1907.

No. 143.—Mr. C. G. Wright, temporary Engineer under covenant, Military Works Services, is transferred in the same capacity to the Public Works Department and is posted to the Irrigation Branch of the Punjab.

The 11th October 1907.

No. 147.—Mr. W. Mulholland, Assistant Engineer, 2nd grade, Punjab, is, at his own request, permitted to resign the service of Government, with effect from the afternoon of the 8th July 1907.

L. M. JACOB,

Secretary to the Government of India.

FINANCE DEPARTMENT.

NOTIFICATION.

SEPARATE REVENUE.

STAMPS.

Non-judicial.

Simla, the 11th October 1907.

No. 6358-*Exc.*—In exercise of the power conferred by section 9, clause (1), of the Indian Stamp Act, 1899 (II of 1899), the Governor General in Council is pleased to reduce the duty leviable on any trust deed entered into in compliance with the rules for the time being in force in the Punjab regulating grants-in-aid made by Government for building purposes to aided schools and colleges in that Province, to the duty payable on a bond for the like amount or value or to Rs. 15 whichever shall be less.

J. S. MESTON,

Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 11th October, 1907.

PROMOTIONS.

No. 862.—The following promotions are made, subject to His Majesty's approval :

* * * * * * * *

INDIAN MEDICAL SERVICE.

Majors to be Lieutenant-Colonels.

1st October 1907.

* * * * * * * *

David MacDonald Davidson, M.B.

* * * * * * * *

John Charles Lamont, M.B.

* * * * * * * *

Albert Coleman.

* * * * * * * *

Daniel Thomas Lane, M.D.

A. W. L. BAYLY,

Secretary to the Government of India.

FROM THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED OCTOBER 12, 1907.

No. 8605-8631—32.

GOVERNMENT OF INDIA—DEPARTMENT OF COMMERCE AND INDUSTRY.

FACTORIES.

Simla, the 10th October, 1907.

RESOLUTION.

In the Resolution in this Department No. 9974-9993—13, dated the 17th December 1906, it was announced that the Government of India, acting on a suggestion made by the Secretary of State for India, had decided to appoint a Committee to enquire into the conditions of factory labour in textile factories in India. It was stated that the Committee's enquiries would be of a preliminary character only ; and a promise was given that, should their report establish the existence of abuses which required to be remedied, a representative Commission would be appointed to examine the whole subject comprehensively before any radical changes were made in the existing factory law.

2. The report of Sir Hamilton Freer-Smith's Committee was published in the *Gazette of India* on the 1st June last. The Committee was of opinion that several alterations in the present law were necessary.

3. The Secretary of State has now agreed to the appointment of a Commission to investigate, in respect of all factories in India, the questions referred to Sir Hamilton Freer-Smith's Committee, and the various suggestions and recommendations which that Committee has made.

The Commission will consist of—

President.

THE HON'BLE MR. W. T. MORISON, I.C.S.,

Offg. Member of Council, Bombay.

Members.

MR. W. A. B. BEAUMONT,

Superintending Inspector of Factories, England.

MR. S. M. CHITNAVIS, B.A., S.C.S.,

Deputy Commissioner, Central Provinces.

LIEUTENANT-COLONEL C. MACTAGGART, M.A., M.B., I.M.S.,

Inspector-General of Prisons, United Provinces.

THE HON'BLE MR. ALEXANDER MCROBERT,

nominated by the Upper India Chamber of Commerce.

DR. T. M. NAIR,

Municipal Commissioner, Madras.

MR. JOHN NICOLL,

nominated by the Bengal Chamber of Commerce.

THE HON'BLE MR. VITHALDAS DAMODHER THAKARSEY,

nominated jointly by the Bombay Chamber of Commerce and the Bombay Mill-owners' Association.

Secretary.

MR. J. CAMPBELL, I.C.S.,

Under-Secretary to the Government of India, Department of Commerce aud Industry.

The Commission will assemble at Bombay on the 1st November. They will remain on tour until about the 15th April, and the Government of India hope that the enquiry may be completed, and the report submitted, by about the end of May.

Ordered, that a copy of this Resolution be forwarded to all Local Governments and Administrations, with the request that the Commission may be given any assistance which they may require, and that any applications for information which may be made by the Commission may be complied with.

Ordered, also, that a copy of the Resolution be forwarded to the Home and Finance Departments, to the President, Members and Secretary of the Commission, and that the Resolution be published in the Supplement to the *Gazette of India.*

B. ROBERTSON,

Offg. Secretary to the Government of India.

Punjab Government Press, Lahore—18-10-07—792.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, OCTOBER 25, 1907.

PART II.

Republications from the "Gazette of India"

FROM THE "GAZETTE OF INDIA," DATED OCTOBER 12, 1907.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 10th October, 1907.

No. 140.—Mr. S. R. Ewing and Lalla Gobind Ram, Accountants, 1st grade, attached to the Office of the Examiner of Public Works Accounts, Punjab, are granted the honorary rank of Assistant Examiner of Accounts.

L. M. JACOB,

Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," DATED OCTOBER 19, 1907.

MILITARY SECRETARY'S OFFICE.

NOTIFICATION.

Simla, the 15th October, 1907.

No. 2355-*M.*—His Excellency the Viceroy and Governor General will leave Simla by landau at 10 A.M. on Wednesday, the 6th November 1907. His Excellency's departure from Simla will be private.

His Excellency will visit the Ellora Caves, Ahmednagar, Hyderabad, Rangoon, Gokteik, Lashio, Mandalay, Myitkyina, Bhamo, Mingun, Pagan, Yenangyaung and Prome and will arrive at Calcutta on the 22nd December 1907. The arrival at Calcutta will be private.

All covers intended to reach His Excellency the Viceroy and party during the tour should be addressed "Viceroy's Camp" without the addition of any post town.

The party accompanying His Excellency on tour will be as follows :

Her Excellency the Countess of Minto.

Lady Ruby Elliot.

Lady Violet Elliot.

Miss Farquhar.

Sir Louis Dane, K.C.I.E., C.S.I., Foreign Secretary.

Lt.-Colonel J. R. Dunlop-Smith, C.I.E., Private Secretary.

Lt.-Colonel V. R. Brooke, D.S.O., Military Secretary.

Surgeon Lt.-Colonel W. R. Crook-Lawless, M.D., C.I.E., Surgeon.

Captain J. Mackenzie, Comptroller of the Household.

Captain R. G. Jelf, A.-D.-C.

Captain J. E. Gibbs, A.-D.-C.

All communications of a mere routine nature should be sent, as usual, to the head-quarters of the several Departments.

By Command,

VICTOR BROOKE, *Lt.-Colonel,*

Military Secretary to the Viceroy.

HOME DEPARTMENT.

NOTIFICATION.

SANITARY.

PLAGUE.

Simla, the 18th October, 1907.

No. 1732.—Whereas the Governor General in Council is satisfied that there is a danger of an outbreak of dangerous epidemic disease at Ajmer in the Ajmer district of Ajmer-Merwara, if pilgrims or other persons from the Bombay Presidency (excluding all places in Sind except the town of Karachi), the Punjab, the Central Provinces, Central India and the Mewar, Partabgarh, Tonk and Bharatpur States in Rajputana are permitted to assemble at that place on the occasion of the ensuing Pushkar Fair:

In exercise of the power conferred by section 2, sub-section (1), of the Epidemic Diseases Act, 1897 (III of 1897), the Governor General in Council is pleased to direct that no tickets to travel by railway to the stations of Sendra, Beáwar, Kharwa, Mangaliawás, Sarádhna, Tabíji, Ajmer, Madár, Ládpura, Akhri, Hatundi, Nasirabad, Bándanwára, Singawal and Barl on the Rajputana-Malwa Railway shall be sold from the 7th to the 21st November 1907 (both days inclusive) within the Bombay Presidency (excluding all places in Sind except the town of Karachi), the Punjab, the Central Provinces, Central India and the Mewar, Partabgarh, Tonk and Bharatpur States in Rajputana to any pilgrim or other person intending or believed to be intending to proceed on pilgrimage to the Pushkar Fair at Ajmer.

H. H. RISLEY,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATION.

POST OFFICE.

Simla, the 17th October, 1907.

No. 8850.—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), the Governor General in Council is pleased to direct that, with effect from the 1st October 1907, the following amendments shall be made in the rules published in the Notification in the Finance and Commerce Department, No. 1429-C.S.R., dated the 30th March 1899, as amended by subsequent Notifications.

For rules 127 to 135 substitute the following:

Part VII.—Official Postal Articles.

I.—Inland official postal articles.

127. Official postal articles shall be transmitted by post under the following conditions:

(1) The conditions as to rates of postage, size, shape, manner of packing, and contents hereinbefore prescribed for the different classes of unofficial postal articles and the rules under which such articles may be registered, insured, or sent value-payable shall be applicable also to official postal articles of the same classes.

(2) The weight of an official postal article whether a letter, packet, or parcel shall not exceed 600 tolas.

(3) Official postal articles, whether the postage is prepaid or not, shall bear the superscription "On His Majesty's Service," and this shall be supported by the signature and official designation—to be entered in the lower left-hand corner of the article—of the officer who sends the article, or of the Head Clerk or Superintendent of his office or other responsible officer to whom the duty of despatching is confided.

Explanation 1.—Service postcards bear the words "On His Majesty's Service" printed in full round the impressed stamp. In their case, therefore, no further superscription shall be required.

Explanation 2.—Postmasters may recognise abbreviated designations, provided they are generally known; but no official can claim the recognition of an abbreviation, the rule being that the designation shall be entered in full.

Explanation 3.—Postmasters may recognise *facsimile* impressions of signature made by means of stamps, but not such impressions when lithographed or otherwise produced. Public officers who use such stamps, shall make arrangements for their proper custody and use; and where there is any reason to suspect the misuse of any such stamp or the absence of proper precautions against its misuse, postmasters may decline to recognise the stamp impression and require strict adherence to the rule. Printed names shall not be recognised in lieu of signatures, except in the case of official gazettes in open covers, posted in large numbers by the office of publication.

(4) Service stamps affixed to an article which does not bear the prescribed superscription supported by the signature and official designation of the sender shall not be recognised by the Post Office in payment of postage.

(5) The delivery and re-direction of articles superscribed "On His Majesty's Service" shall be governed by the official designation (when given) of the addressee.

128. The postage chargeable on the delivery of official postal articles, when the the postage is not prepaid or is insufficiently prepaid, shall be as follows:

On an unpaid letter or packet ... ... The prepaid rate.

On an insufficiently paid letter or packet ... The deficiency.

In cases where it is not thought advisable to entrust postage stamps to a subordinate official who has to correspond with, or to send returns to, a superior, he may be allowed by his superior to post to him official articles other than parcels without prepaying the postage, and the same course may be adopted in other cases where it is found convenient or proper to make the postage charge fall on the receiving office.

NOTE.—The prepayment of postage on parcels is compulsory.

129. The following persons shall be entitled to send official postal articles on His Majesty's Service, subject to the conditions noted against each :

(1) All Government officials, except those who are on leave or have retired from the service, provided that the articles posted by them are *bonâ fide* and exclusively on His Majesty's Service.

(2) The Registrars of the Universities of Calcutta, Madras, Bombay, Allahabad and the Punjab, and of the Educational Syndicate, Burma, provided that the articles posted by them relate solely to the public business of the Universities.

(3) The Astronomer in charge of the G. V. Juggarao Observatory, Vizagapatam, provided that the articles posted by him relate solely to the business of the Observatory.

130. Correspondence sent by an officer of a local authority, or by any officer of the Government acting in a capacity connected with a local authority, such as the President or Secretary of a Local Fund Committee, shall not be deemed official correspondence within the meaning of these rules, and may not be superscribed as on His Majesty's Service. But nothing in this rule shall be held to prevent the transmission on His Majesty's Service of correspondence sent by an officer of the Government acting as such, although the correspondence may relate to the affairs of a local authority.

Illustration.—The Commissioner of a Division, writing in that capacity to the Secretary of a Local Fund Committee concerning its affairs, may superscribe the letter on His Majesty's Service.

131. The postage and other charges (if any) on an official postal article can be properly prepaid only by a proper service stamp or stamps. Where, however, an ordinary postage stamp instead of a service stamp is used on an official postal article, the article shall be recognised as an official postal article by the Post Office ; but the irregularity shall be brought by the officer in charge of the Post Office at which the article was so posted, to the notice of the officer concerned, and, if of frequent occurrence, to that of the Postmaster General.

NOTE.—Service stamps, envelopes and post cards shall not be sold at Post Offices, but shall be obtainable by Government officials at Government Treasuries.

132. (1) Letters, postcards, and packets posted by officers of the Government in their official capacity, addressed to private individuals or associations, shall, even when they relate to the private interests and concerns of the individuals or associations addressed, be sent as official postal articles, prepaid by means of service stamps.

(2) Letters, postcards, and packets, sent by private persons to officers of the Government relating to the affairs of the Government, if superscribed. Service Unpaid," shall be charged, on delivery, with postage at the rates to which they would have been liable if the postage had been prepaid, and not at double rates as in the case of ordinary articles : Provided that any article so sent is addressed to the full official designation of the officer for whom it is intended, and that it has been endorsed under the full signature of the sender, according to the specimen form given on the margin.

Service Unpaid

To

The District Superintendent of Police,

LUCKNOW.

Signature of sender.

NOTE.—The prepayment of postage on parcels is compulsory.

Explanation.—Under the provisions of this rule may be sent reports regarding the occurrence of crime from a zamindar to a police officer, returns required to be sent from employers of labourers to the Protector and any similar reports or returns authorized to be so sent.

133. The amount of postage marked as due on postal articles delivered under the superscriptions of " Service Unpaid " or " On His Majesty's Service " shall be initialled by the postmaster, or other officer, authorised in this behalf by the Postmaster General, of the office of delivery. Officers of the Government shall be bound to receive, and to p any postage which may be due on, articles addressed to them under the superscription " On His Majesty's Service " and bearing the signature in full of the sender.

B. ROBERTSON,

Offg. Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 18th October, 1907.

VOLUNTEER CORPS.

APPOINTMENTS AND PROMOTIONS.

1st Punjab Volunteer Rifles.

No. 888.—Second-Lieutenant William Angelo to be Lieutenant, *vice* Rylands, transferred to the Simla Volunteer Rifles. Dated 14th September 1907.

A. W. L. BAYLY,

Secretary to the Government of India.

FROM THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED OCTOBER 19, 1907.

No. 8806—82.

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE AND INDUSTRY.

(CUSTOMS)

Simla, the 17th October, 1907.

Customs Circular No. VIII of 1907, published for general information in the Supplement to the *Gazette of India.*

B. ROBERTSON,

Offg. Secretary to the Government of India.

Customs Circular No. VIII of 1907.

No. 8595-82, dated the 9th October 1907.

From—M. M. S. GUBBAY, Esq., I.C.S., Officiating Under-Secretary to the Government of India, Department of Commerce and Industry,

To—The Revenue Secretary to the Government of Burma.

*　　*　　*　　*　　*　　*　　*　　*

2.　　*　　*　　*　　*　　*　　*　　*

*　　*　　* the Government of India have decided that in future samples of goods not intended for sale, which are re-imported by commercial travellers into British India after duty has once been paid on them, shall be passed free of duty, provided the conditions laid down in the accompanying rules are fulfilled.

Rules for exemption from the payment of Customs duty of re-imported commercial samples not intended for sale.

1. Samples of goods, not intended for sale, re-imported by commercial travellers into British India shall be passed free of duty, provided that the Collector of Customs at the port of re-importation is satisfied :—

(i) that duty was paid on first import ;

(ii) of the identity of the articles ;

(iii) that no drawback was paid on export ;

(iv) that the ownership in the articles has not changed since its first import ; and

(v) that no more than six months have passed since the articles were exported.

2. In order to be able to claim the benefit of this concession, commercial travellers must observe the following procedure :—

(1) When the samples are first imported into British India, commercial travellers will be required to produce to the Collector of Customs a certificate or letter of identity from their principals or otherwise satisfy the Collector of their eligibility for the concession. An invoice in duplicate, showing each article in detail, should be filed at the Custom House. The original will be retained by the Customs authorities. Each page of the duplicate will be stamped with the Custom House seal, and will be endorsed, over the signature of a Customs officer, with a reference to the Bill of Entry on which the samples were assessed to duty. It will be returned together with a certified copy of the Bill of Entry to the travellers.

(2) The certified copy of the Bill of Entry must, on each occasion on which the samples are exported from a port in British India to a foreign port, be produced to the Customs Collector of the port of export, who will endorse, after such examination of the samples as he may think necessary, the copy of the Bill of Entry with a certificate that no drawback had been paid, together with the date of exportation. On re-importation from a foreign port the Bill of Entry must similarly be produced to the Collector of Customs, who will endorse, after such examination of the samples as he may think necessary, the date of re-importation on the Bill of Entry.

3. When the samples are finally exported under claim of drawback, a certificate of examination shall be recorded on the certified copy of the Bill of Entry by a Customs officer after verification of the necessary particulars in regard to the identification of the articles and payment of duty. The certified copy of the Bill of Entry and the duplicate copy of the invoice shall be forwarded to the port of first importation.

Punjab Government Press, Lahore—25-10-07—792.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, NOVEMBER 1, 1907.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED OCTOBER 26, 1907.

HOME DEPARTMENT.

NOTIFICATIONS.

PUBLIC.

Simla, the 21st October, 1907.

No. 2771.—It is hereby notified for general information that Chief Conservators of Forests will take rank in article 54 of the Warrant of Precedence for India published with the notification of the Government of India in the Home Department No. 328, dated the 10th February 1899, and that Directors of Land Records, Directors of Agriculture and Excise Commissioners under local Governments will take rank in article 70 of the Warrant.

EXAMINATIONS.

The 24th October, 1907.

No. 519.—It is notified that Mr. A. Latifi, I.C.S., officiating Deputy Commissioner, Jhang, has obtained a degree of honour in Arabic in the first division and has been awarded the authorized donation of Rs. 5,000 (five thousand only).

The 25th October, 1907.

No. 536.—With reference to rules 4 and 9 of the rules published with the Home Department Notification No. 529, dated the 8th September 1899, and to rules 2 and 6 published with the Resolution of the Government of Bengal, No. 364 T.F., dated the 10th October 1894, it is hereby notified that the examination prescribed for filling up vacancies in the lower division of the secretariat clerical service of the Government of India and attached offices and in the clerical establishments of the offices subordinate to the Government of Bengal will be held at Calcutta in the Senate House of the Calcutta University, commencing on Saturday, the 4th January 1908.

The examination at Allahabad and Lahore will be held at the same time at the places to be appointed by the Governments of the United Provinces and the Punjab, respectively. The hours of examination at Calcutta will be from 10 A.M. to 1 P. M. and from 1-30 P. M. to 4-30 P. M. daily.

The probable number of vacancies in the lower division of the secretariat clerical service of the Government of India and attached offices to be competed for is four. Of these, two will be reserved for candidates domiciled in the United Provinces, the Punjab, the Central Provinces, Rajputana, Central India, and Baluchistan, provided that a sufficient

number of such candidates duly qualified appear for the examinations to be held at Allahabad and Lahore. The remaining vacancies will be offered for competition among the candidates examined at Calcutta and such candidates temporarily resident, but not domiciled, in any of the provinces enumerated above, as may be permitted to present themselves for examination at Allahabad and Lahore.

The probable number of vacancies in the offices subordinate to the Government of Bengal is four. All these have been reserved by the local Government for the special service of domiciled Europeans and Eurasians.

Candidates should pay the prescribed fee (Rs. 10) into the nearest treasury and forward the treasury receipt to the Secretary to the Board of Examiners, Calcutta. Candidates paying their fees in Calcutta should pay them into the Bank of Bengal.

Application for permission to appear at the examination should be made to the Secretary to the Board of Examiners, Calcutta, between the date of this notification and the 15th December next (inclusive).

The attention of intending candidates is called to rule 8 of the rules* published with the Home Department Notification of the 8th September 1899 and to rule 5 of the rules published with the Resolution of the Government of Bengal of the 10th October 1894 as amended by notification No. 877-T.F., dated the 17th October 1896 prescribing the particulars and documents† which should accompany the application for permission to appear at the examination.

* *Particulars and documents prescribed in rule 8 of the rules published with the Home Department Notification of 8th September* 1890—

(1) Evidence that the candidate at the date of making his application is not less than 18 and not more than 24 years of age. The date of the candidate's birth must be stated.

(2) In case the candidate has been educated at a school in which students' good conduct registers are kept, the candidate's register for the last year of his attendance at school when a year has not elapsed since he left school. In other cases, a certificate that the candidate is of good moral character from the head of the institution in which he has last been educated, or from some respectable householder to whom he is well known in private life, and who is himself known to a district or sub-divisional magistrate or to the head of some Government office,—this last fact being certified by the countersignature of the officer in question.

(3) If the candidate is employed under Government, a certificate by the head of the office or department to the effect that, in his opinion, there is no objection to the candidate appearing at the ensuing clerkship examination.

(4) A statement whether the candidate has appeared at any previous clerkship examination, and, if so, in what year.

† *Particulars and documents prescribed in rule 5 of the rules published with the Resolution of the Bengal Government of the 10th October* 1894, *as amended by Notification No.* 877-*T.F., dated the* 17*th October* 1896—

(1) The candidate's certificate of the Entrance or any higher University examination, or of Standard VII prescribed by the Code for European School.

(2) Evidence that the candidate at the date of making his application is not less than 18 and not more than 24 years of age. The date of the candidate's birth must be stated.

(3) In case the candidate has been educated at a school in which students' good conduct registers are kept, and in case a year has not elapsed since he left school, a copy of the candidate's register for the last year of his attendance at school certified by the head master. In other cases a certificate that the candidate is of good moral character from the head of the institution in which he has last been educated, or from some respectable householder to whom he is well known in private life, and who is himself known to a district or sub-divisional magistrate or to the head of some Government office,—this last fact being certified by the countersignature of the officer in question.

JUDICIAL.

The 24th October, 1907.

No. 1602.—The services of Mr. M. H. Harrison, of the Indian Civil Service, are replaced at the disposal of the Government of the Punjab, with effect from the 1st November 1907.

H. H. RISLEY,
Secretary to the Government of India.

DEPARTMENT OF REVENUE AND AGRICULTURE.

NOTIFICATION.

CIVIL VETERINARY ADMINISTRATION.

Simla, the 25th October, 1907.

No. 1921—152-8.—The services of Captain W. O. Dawson, M.R.C.V.S., Indian Civil Veterinary Department, are placed at the disposal of the Government of the Punjab for employment at the Punjab Veterinary College.

J. WILSON,
Secretary to the Government of India.

FINANCE DEPARTMENT.

NOTIFICATIONS.

ACCOUNTS AND FINANCE.

LOANS AND ADVANCES, ETC.

Simla, the 24th October, 1907.

No. 6564-*A*.

RESOLUTION—By the Government of India, Finance Department.

The Resolutions in this Department, Nos. 13 and 14, dated the 1st January 1889, explained generally the circumstances in which and the conditions under which the Government of India decided that loans and advances for local purposes should be made from resources placed at the disposal of Provincial Governments. Notification Nos. 15 and 16 of the same date promulgated fresh rules for the grant of loans to local authorities by the Government and for the raising of loans by them in the open market. Since the issue of the above orders they have been subjected to frequent amendments, and the policy underlying them has been amplified from time to time.

2 The rules, after a complete revision, have now been reissued in the Notifications of this date Nos 6565-A. and 6566-A., and the Governor-General in Council thinks it desirable to explain the reasons for the more important changes made in the rules under the Act, and to indicate the modifications that have been made in the rules of procedure and other matters of detail dealt with in the Resolutions of the 1st January 1889.

3. *Duration of loans.*—The new rules as to the duration of loans are: (*a*) Rule 4 of the Rules in Notification No. 6565-A., which lays down that the term of a loan made by Government shall not extend, except with the previous sanction of the Government of India, beyond 20 years; (*b*) Rule 5 of the same rules, which states that in the case of works which are merely or mainly ornamental or convenient, the term shall not, except with the previous sanction of the Government of India, exceed ten years; and (*c*) Rule 5 of the Rules in Notification No. 6566-A., which leaves it to the Governor-General in Council to determine in each case the period within which the loan, if raised in the open market, shall be repaid. The first rule embodies the principle that loans made by Government under the Local Loans Scheme should be repaid within as short a period as possible, a longer term than 20 years not being permitted except in very special circumstances. His Excellency in Council takes this opportunity of impressing upon local bodies that the extension of the term of a loan, whether taken from Government or raised in the open market, beyond the period which is absolutely necessary for its repayment is a policy of waste, for which the lightening of the immediate burden on the borrower is no justification. The prolongation of a loan does not involve a proportionate decrease of the annual charges for its service. To illustrate this point, two tables are appended to this Resolution, showing (1) the equated annual payments required to discharge a 4 per cent. Government loan of one lakh in periods varying from 10 to 60 years; (2) the annual charges of a loan of the same amount raised in the open market for the same term of years, assuming that the sinking fund is calculated on a three per cent. basis, and the payments to the sinking fund are made half-yearly; and (3) the reduction of the charges effected by postponements in the two cases. It will be seen that the annual burden of a loan raised for 20 years is appreciably greater than half the annual charge of a loan of the same amount repaid in 10 years, and that the relief to the borrower by extending the term beyond twenty years is entirely disproportionate to the added burden. Actuarially, the present value of the deferred payments is the same, whatever be the term of repayment; but the aggregate sum which has to be made good for a 30 years' loan is heavier by nearly one-fifth than it is for a 20 years' loan of the same amount.

This Department Circular letter No. 3600-A., dated the 20th August 1896.

4. It is, therefore, clearly desirable that the terms of the borrowings of local bodies should be very carefully limited. The duration of the liability should in no case exceed the life of the work for which the liability is incurred; but within the maximum thus fixed, the period appropriate in each case should be determined by other considerations, such as the existing amount of the indebtedness of the local body concerned, the prospects of the future growth of such indebtedness, and the burden which the proposed loan will impose. The factors to be taken into account in this connection will doubtless differ in different cases; but, in the opinion of the Government of India, a term not longer than 20 or at most 30 years ought nearly always to be sufficient, and no proposal for exceeding the latter period will be entertained, unless it is supported by the strongest reasons, of which the immediate relief to the ratepayer will not be admitted as one.

5. *Estimate of the entire expenditure on account of which the loan is required to be shown in the application therefor.*—The revised rules require local authorities to furnish, in connection with their applications for loans, an estimate of the cost of the entire work or of such part of it as it is proposed to meet from loan funds. It is essential that, when the works to be undertaken form an integral part of schemes involving large expenditure from loan funds, the borrowing body should make definite provision beforehand for the financing of the complete project. In such cases the following procedure should be observed :

(1) An estimate of the cost of the entire scheme should be prepared, and submitted for such sanction as is required by law.

(2) A programme of construction should be drawn up, showing the sums which will probably be required year by year until the work has been carried to completion.

(3) The application for the loan should cover the entire cost of the project, or of so much of it as it is proposed to meet from borrowed funds, and should specify the year in which each instalment is to be raised.

(4) No expenditure should be incurred on the work until the loan for the entire project has been duly sanctioned, and the approval of the authority competent to sanction the plans and estimates has been obtained.

6. *Provision of funds.*—In Finance Department Resolution No. 1459-A., dated the 20th March 1894, it was directed that in the case of applications from local authorities for loans which they propose to draw in instalments spread over two or more years. Local Governments should ascertain from the Government of India whether there will be any difficulty in providing the necessary allotments from year to year. The Government of India, as at present advised, consider that it will be sufficient if a report is made to them in cases in which the deferred instalments of the loan are expected to exceed a lakh *per annum* ; and a provision to this effect has been made in Rule 7 (2) of the Rules for the grant of loans by Government.

7. *Penal interest.*—Rule 14 (2) in Notification No. 6565-A., gives statutory authority to the provision regarding the enforcement of penal interest contained in paragraph 5 (2) of Resolution No 13 of the 1st January 1889, as amended by paragraph (3) of Resolution No. 4337-A., dated the 4th October 1898.

8. *Borrowing in sterling.*—In connection with Rule 3 of the Rules for the raising of loans in the open market, Local Governments are reminded that applications from local bodies for permission to issue sterling loans should not be entertained unless there is a reasonable prospect of the money being raised at a rate of interest not exceeding 4 per cent. and at a price not appreciably below par. All such applications at present require a reference to the Secretary of State ; and the borrowing bodies have to make their own arrangements for bringing out the capital to India, and for remitting the interest to the holders of the stock.

Finance Department Resolution No. 4119 A., dated 9th July 1903.

9. *Sinking funds.*—Rule 6 (7th) of the Rules in Notification No. 6566-A., introduces a new provision requiring local bodies, when desirous of raising loans in the open market to state the rate at which the improvement of the sinking fund is to be calculated. In the opinion of the Government of India, it should ordinarily be assumed that this will not be at a higher rate than 3 per cent., except in the case of loans for comparatively short terms, say, up to 15 years.

Rule 14 of these rules gives statutory effect to the instructions regarding the examination of sinking funds conveyed in the marginally noted letters * from this Department.

*Letter to the Government of Burma (and copy to other Local Governments) No. 7513-A., dated the 10th December 1903.

Letter to the Comptroller and Auditor-General, No. 2596-A., dated the 28th April 1904.

10. *Previous reference to the Government of India in the case of borrowings in the open market.*—In Rule 10 in Notification No. 6566-A., it is provided that no local authority should be permitted to borrow in the open market without the previous sanction of the Government of India. As was explained in Finance Department circular No. 5270-A., dated the 19th September 1906, the State claims precedence in the demands upon the money market in India ; and it is essential that the Government of India should be informed beforehand of all proposals by local authorities for the flotation of loans in the open market, to

enable them to prevent the loan operations of these authorities from clashing with those of the State. The orders in that circular requiring the dates within which loans are to be raised by local authorities to be reported for the previous approval of the Government of India have been reproduced in Rule 11 of the Rules in Notification No. 6566-A.

11. *Other loans and advances.*—The rules prescribed in the notifications of this date relate solely to the borrowings of the local authorities under the Local Authorities Loan Act. There are other loans and advances, however, which have been brought under the operation of the Local Loans Scheme. The various classes of loans are enumerated below:

I. Advances to cultivators under the Land Improvement Loans Act, the Agriculturists Loans Act, or any other Acts loans under the Co-operative Credit Societies Act, and loans under the Burma Fisheries Act.

II. Advances under special laws not coming within class I, such as the Bengal Drainage and Embankment Acts, and the Bundelkhand Encumbered Estates Act.

III. Loans to Landholders and notabilities apart from the provisions of any law.

IV. Loans to Municipalities, Local Boards and other public corporations.

The Loans of Presidency Corporations do not come under the last class, having been excluded from the Local Loans Scheme, as stated in the Resolutions of 1st January 1889.

12. The rules of procedure as regards account and similar matters connected with the operation of the scheme as a whole are clearly laid down in articles 123 to 130-A. of the Civil Account Code, Volume I. These embody the latest orders of the Government of India on the subject, and may be taken to supersede the corresponding rules in Resolution No. 13 of the 1st January 1889.

Ordered that the Resolution be published in the *Gazette of India.*

Statement showing equated annual payments required to pay a loan of 1 lakh at 4 per cent.

Term of loan.	Equated annual payments.	Reduction effected by last postponement.
Years.	Rs.	Per cent.
10	12,329	...
15	8,994	27
20	7,358	18
25	6,401	13
30	5,783	9
35	5,358	7
40	5,052	6
44	4,866	4
50	4,655	4
60	4,420	5

Statement showing the annual charges an account of a loan of one lakh at 4 per cent. with a sinking fund calculated on a 3 per cent. basis, the payments to the sinking fund being made half-yearly

Term of loan.	Annual payments to sinking fund.	Interest charges.	Total charges.	Reduction effected by last postponement.
Years.	Rs.	Rs.	Rs.	Per cent.
10	8,649	4,000	12,649	...
15	5,328	4,000	9,328	26
20	3,685	4,000	7,685	18
25	2,714	4,000	6,714	13
30	2,079	4,000	6,079	9
35	1,634	4,000	5,634	7
40	1,310	4,000	5,310	6
44	1,108	4,000	5,108	4
50	874	4,000	4,8:4	5
60	603	4,000	4,603	6

ACCOUNTS AND FINANCE.

LOANS AND ADVANCES.

The 24th October, 1907.

No. 6565 *A*.—In exercise of the powers conferred by section 5 of the Local Authorities Loan Act, 1879, the Governor-General in Council has made the following rules for the grant of loans to Local Authorities by the Government :

1. These rules shall come into force on the 1st day of November 1907. On and from that date the rules published with Notification No. 15, dated 1st January 1880, as subsequently amended, shall be rescinded except as regards loans applied for before these rules come into force.

2. In these rules—

(1) "the Act" means the Local Authorities Loan Act, 1879;

(2) "the Local Authority" means the Local Authority applying for or, as the case may be, receiving, or having received the loan;

(3) "Loan" means a loan under the Act.

3. A loan shall not be granted except for a work of public utility—

(*a*) within the local limits of the area subject to the control of the local authority, or

(*b*) for the benefit of the inhabitants within those limits.

4. The term of a loan shall not, except with the previous sanction of the Government of India, extend over a period exceeding twenty years.

[NOTE.—The term should be calculated from the date on which the loan is completely made.]

5. In the case of loans for works or in connection with works which are mainly ornamental or convenient, such as a town hall, public garden, market-place, the term shall not, except with the previous sanction of the Government of India, exceed ten years.

[NOTE.—The term should be calculated from the date on which the loan is completely made.]

6. Without the previous sanction of the Government of India a loan shall not be made at a lower rate of interest than 4 per cent.

7. An application for a loan shall state—

1st—the work for which the loan is required and an estimate of the cost of the entire work or of such part of it as it is proposed to meet from loan funds;

2nd—the amount which it is proposed to borrow;

3rd—the fund on the security of which it is proposed to borrow;

4th—the law under which the said fund is levied, received or held;

5th—the period for which the loan is required, the number and amount of the instalments, if any, in which it is proposed that the loan shall be taken, the dates proposed for receiving such instalments and the instalments, if any, in which it is proposed to repay the loan;

6th—the rate of interest at which it is proposed to borrow;

7th—a detailed account of the revenue and expenditure of the Local Authority for the three last preceding years;

[NOTE.—The receipt side of the account should show only ordinary revenue. Receipts from loans or deposits or the investments of sinking funds should be excluded, as well as items of abnormal character, which should be indicated separately when required. On the expenditure side interest on debt and any payments to a sinking fund should be included, but all expenditure from loan funds and repayment of advances or deposits should be excluded. A full explanation should be given of all important variations in the amounts of revenue and expenditure.]

8th—all existing prior charges upon the funds of the Local Authority.

8. The Local Government shall cause such inquiry as it thinks necessary or expedient to be made into the statement contained in the application and into the use and value of the work for which the loan is proposed.

9. If it appears to the Local Government that the loan ought not to be granted, it shall reject the application.

10. If it appears to the Local Government probable that the loan ought to be granted it shall cause to be published in the local official Gazette, and otherwise, as it deems fit within the local limits of the area subject to the control of the Local Authority, a copy of the application and such particulars in regard to any enquiry made under Rule 8 as it may think necessary.

11. (1) After the expiry of one month from such application, and after calling for any further information which it may require, and considering any objections which may be preferred, the Local Government may either reject the application, or grant the loan if funds are available from the grant placed at its disposal for the purpose: Provided that—

(*i*) when the sanction of the Government of India is required under rule 4, 5, or 6, or

(*ii*) when the application is made by one of the corporations specified in clause (*a*) of the proviso to section 8 of the Act, or by the Rangoon Municipality,

the Local Government, if it approves the application, shall not itself proceed to sanction it, but shall refer it for the orders of the Governor-General in Council.

(2) If it is not proposed to take the whole of the loan during the current financial year, and if the portion to be taken in future years exceeds one lakh of rupees per annum, the Local Government shall report the proposals to the Government of India.

12. The Local Government shall make such provisions as may seem to be necessary for the proper inspection of all works which are being carried out by means of a loan, and for ascertaining and securing that the loan is duly applied to the work for which it has been made. Every such work and the accounts connected therewith shall be open at all times to the inspection of the Superintending or Executive Engineer in whose division the work is situate and of any person who may be authorized to inspect the accounts of the Local Authority, and of any other person specially authorized by the Local Government in this behalf.

13. If the Local Government considers that the conditions on which a loan was granted have not been fulfilled, or that the Local Authority has failed to comply with any of the requirements of these rules, it may, at any time, order that no further payments shall be made on account of such loan, and recover the amount advanced, with interest thereon, in the manner mentioned in section 6 of the Act.

14. (1) Interest shall be charged yearly or half-yearly, as the Local Government may determine, on each loan at the rate agreed upon; and shall be reckoned and paid on each instalment from the date on which it is received.

(2) A penal rate of compound interest not less than 6 per cent. per annum shall be payable, at the discretion of the Local Government, upon all overdue instalments of interest or of principal and interest.

15. The Local Authority may, at any time, with the previous consent of the Local Government, repay the whole or any part of a loan in advance of the period fixed by the conditions of the loan.

16. The cost of any enquiry made under Rule 8, of advertisements published under Rule 10, of inspections made under Rule 12, and of any other proceedings by order of the Local Government or the Governor-General in Council under these rules shall be determined by the Local Government, and shall be paid by the Local Authority.

17. (1) The accounts of every loan shall be kept by the account officer of the province in which it is made.

(2) The Local Authority shall give to the account officer and the Local Government any information which they may require regarding the expenditure of the loan and regarding its funds.

18. An annual statement of all loans granted under the Act, repayments due and made during the year, and balances outstanding at the beginning and end of the year in each province, or under each Local Government shall be prepared by the account officer and submitted to the Government of India through the Local Government which shall add a report of the progress of the work for which a loan has been made. Such statement shall be published in the local official Gazette.

19. An attachment of any funds under section 6 of the Act shall be made by a notice to the Local Authority prohibiting the collection or management of such funds by the Local Authority, and vesting the administration thereof in such officer as the Local Government may appoint. Such notice shall be published in the local official Gazette and otherwise, as may be directed by the Local Government, within the local limits of the area subject to the control of the Local Authority. The moneys collected or received under such attachment shall be paid into the Government Treasury; and the accounts of money so collected and of the cost of the collection, shall be prepared in such form as the Local Government may from time to time direct. A copy of the accounts shall be delivered to the Local Authority, and published in the local official Gazette.

No. 6566 *A.*—In exercise of the powers conferred by sections 5 and 7 of the Local Authorities Loan Act, 1879, the Governor-General in Council has made the following rules for the raising of loans by Local Authorities in the open market:

1. These rules shall come into force on the 1st day of November 1907. On and from that date the rules published with the Notification No. 16, dated the 1st January 1880, as subsequently amended, shall be rescinded, except as regards loans applied for before these rules come into force.

2. In these rules—

(1) "the Act" means the Local Authorities Loan Act, 1879;

(2) "the Local Authority" means the Local Authority applying for permission to raise, or, as the case may be, raising or having raised the loan; and

(3) "Loan" means a loan under the Act.

3. Every loan shall be defined in rupee currency unless the Local Government, with the previous sanction of the Governor-General in Council, directs that any particular loan shall be defined in sterling currency.

4. A loan shall not be raised except for works of public utility—

(*a*) within the local limits of the area subject to the control of the Local Authority, or

(*b*) for the benefit of the inhabitants within those limits.

5. The Governor-General in Council shall determine, in each case, the period within which the loan shall be repaid.

6. When it is desired to obtain the authorization of the Government to the raising of a loan under section 7 of the Act, a statement shall be submitted to the Local Government showing:

1st—the work for which the loan is required, and an estimate of the cost of the entire work or of such part of it as it is proposed to carry out from loan funds;

2nd—the amount which it is proposed to borrow;

3rd—the fund on the security of which it is proposed to borrow;

4th—the law under which the said fund is levied, received or held;

5th—the dates within which the money is to be raised, and when it is proposed to raise the loan in instalments, the amount of each instalment, the dates within which the first instalment is to be raised, and the years in which it is intended to raise the other instalments;

6th—the rate of interest at which it is proposed to borrow;

7th—the term of years for which the money is to be borrowed, the instalments in which it is to be repaid, or the amount of the sinking fund provided for its repayment, and the rate of interest at which the improvement of such sinking fund is to be calculated;

8th—a detailed account of the revenue and expenditure of the Local Authority for the three last preceding years;

[NOTE.—The receipt side of the account should show only ordinary revenue. Receipts from loans or deposits or the investments of sinking funds should be excluded, as well as items of abnormal character, which should be indicated separately when required. On the expenditure side interest on debt and payments to a sinking fund should be included and all expenditure from loan funds and repayment of advances or deposits should be excluded. A full explanation should be given of all important variations in the amounts of revenue and expenditure.]

9th—all existing prior charges upon the funds of the Local Authority.

7. The Local Government shall cause such enquiry as it thinks necessary or expedient to be made into the statements contained in the application and into the use and value of the work for which the loan is proposed.

8. If it appears to the Local Government that the loan ought not to be raised, it shall reject the application.

9. If it appears to the Local Government probable that the loan ought to be raised, it shall cause to be published in the local official Gazette, and otherwise, as it deems fit, within the local limits of the area subject to the control of the Local Authority, a copy of the application and such particulars in regard to any enquiry made under Rule 7 as it may think necessary.

10. After the expiry of one month from such publication, and after calling for any further information which it may require, and considering any objections which may be preferred, the Local Government may either reject the application or refer it for the orders of the Governor-General in Council.

11. When a loan has been sanctioned by the Governor-General in Council, the Local Authority shall not, without the previous approval of the Government of India, vary the dates within which the raising of the loan, or of the first instalment of it, has been sanctioned. If the loan is raised by instalments, the dates within which each further instalment is to be raised shall be reported for the previous approval of the Government of India before it is put upon the market.

12. The Local Government shall make such provisions as may seem to be necessary for the proper inspection of all works which are being carried out by means of a loan, and for ascertaining and securing that the loan is duly applied to the work for which it has been made. Every such work and the accounts connected therewith shall be open at all times to the inspection of the Superintending or Executive Engineer, in whose division the work is situate, and of any person who may be authorized to inspect the accounts of the Local Authority, and of any other person specially authorized by the Local Government in this behalf.

13. The cost of any enquiry made under Rule 7, of advertisements published under Rule 9, of inspections made under Rule 12, and of any other proceedings by order of the Local Government or the Governor-General in Council under these rules, shall be determined by the Local Government and shall be paid by the Local Authority.

14. If a loan is not repayable by annuities or annual drawings, the Local Authority shall out of its income pay yearly or half-yearly, into a sinking fund, a sum which accumulating at such rate of compound interest as the Government of India may fix, will be sufficient to secure the liquidation of the loan within the term fixed for its repayment. The Local Authority shall submit the accounts of its sinking fund to the Accountant-General and shall at once make good from its revenues any amount by which he may certify that the fund falls short of what it ought to contain.

15. The Local Authority shall give to the account officer and the Local Government any information which they may require regarding the expenditure of the loan, and regarding its funds.

16. An attachment of any funds under section 6 of the Act shall be made by a notice to the Local Authority prohibiting the collection or management of such funds by the Local Authority, and vesting the administration thereof in such officer as the Local Government may appoint. Such notice shall be published in the local official Gazette, and otherwise, as may be directed by the Local Government, within the local limits of the area subject to the control of the Local Authority. The moneys collected or received under such attachment shall be paid to the lender, and the accounts of moneys so collected, and of the cost of collection, shall be prepared in such form as the Local Government may from time to time direct. A copy of the accounts shall be delivered to the Local Authority, and published in the local official Gazette.

J. S. MESTON,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATION.

POST OFFICE.

Simla, the 25th October, 1907.

No. 9136—296.—In exercise of the power conferred by section 36 of the Indian Post Office Act, 1898 (VI of 1898), the Governor-General in Council is pleased to direct that the following amendment shall be made in rule 60 of the rules published with the Notification of the Government of India in the Finance and Commerce Department, No. 1429-C.S.R., dated the 30th March 1899, as amended by the Notification in the Department of Commerce and Industry, No. 2648-C., dated the 9th June 1905 :

For the sentence "and the sender shall, in the case of loss, also be entitled to a refund of the postage, but in no case of the insurance fee paid."

Substitute "and the sender shall, in case of loss, also be entitled to a refund of the expenses of transmission as well as of any fee that he may have paid for an enquiry as to the disposal of the article, but in no case to a refund of the insurance fee paid."

B. ROBERTSON,

Offg. Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 25th October, 1907.

LONDON GAZETTE.

No. 892.—The following extract is published for general information :

"*London Gazette,*" *dated* 4*th October* 1907, *pages* 6669 *to* 6671.

INDIA OFFICE,

4*th October* 1907.

The King has approved of the following promotions among officers of the Indian Army, Indian Medical Service, Indian Army Reserve of Officers, Indian Army Depart-

ments, and Indian Subordinate Medical Department, and admissions to the Indian Medical Service :

INDIAN ARMY.

* * * * * * * *

Lieutenants to be Captains.

Dated 27th July 1907.

* * * * * * * *

Arthur James Herbert Grey, 26th Punjabis.

* * * * * * * *

INDIAN MEDICAL SERVICE.

Captains to be Majors.

Dated 29th July 1907.

* * * * * * * *

Edmund Ludlow Perry.

* * * * * * * *

The King has approved of the retirement from the service of the undermentioned officers :

* * * * * * * *

INDIAN MEDICAL SERVICE.

Lieutenant-Colonel William Coates, M.D. Dated 4th July 1907.

* * * * * * * *

A. W. L. BAYLY,

Secretary to the Government of India.

Punjab Government Press, Lahore—1-11-07—792.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, NOVEMBER 8, 1907.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED NOVEMBER 2, 1907.

HOME DEPARTMENT.

NOTIFICATION.

PUBLIC.

Simla, the 31st October, 1907.

No. 2875.—It is hereby notified for general information that the Manager of the Cordite Factory, Aruvankad, will take rank in Article 73 of the Warrant of Precedence for India, published with the notification of the Government of India in the Home Department No. 328, dated the 10th February 1899.

H. H. RISLEY,

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 30th October, 1907.

No. 161.—Mr. E. DuCane Smithe, Chief Engineer and Secretary to the Government of the Punjab, Buildings and Roads Branch, is transferred permanently to the United Provinces in the same capacity.

No. 162.—Mr. C. E. V. Goument, Superintending Engineer, 1st class, Punjab, is appointed to officiate as Chief Engineer and Secretary, Buildings and Roads Branch, *vice* Mr. DuCane Smithe and until further orders.

L. M. JACOB,

Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 1st November, 1907.

VOLUNTEER CORPS.

RESIGNATIONS.

1st Punjab Volunteer Rifles.

No. 914.—Captain John Gerrard Hennessy resigns his commission. Dated 7th October 1907.

A. W. L. BAYLY,

Secretary to the Government of India.

FROM THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED NOVEMBER 2, 1907.

APPOINTMENT OF A ROYAL COMMISSION ON DECENTRALISATION.

NOS. 2800—2820.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

PUBLIC.

Simla, the 24th October, 1907.

RESOLUTION.

His Majesty the King Emperor, on the advice of the Secretary of State for India, has been pleased to appoint a Royal Commission "to enquire into the relations now existing for financial and administrative purposes between the Supreme Government and the various Provincial Governments in India, and between the Provincial Governments and the authorities subordinate to them; and to report whether, by measures of decentralisation or otherwise, those relations can be simplified and improved, and the system of Government better adapted to meet the requirements and promote the welfare of the different provinces and, without impairing its strength and unity, to bring the executive power into closer touch with local conditions."

2. The Commission will be constituted as follows, Sir Henry Primrose, K.C.B., who was originally appointed Chairman, having had to resign for reasons of health :—

C. E. H. Hobhouse, Esq., M.P., Under-Secretary of State for India ... *Chairman.*

Sir Frederic Lely, K.C.I.E., C.S.I. ... ...
The Hon'ble Sir Steyning Edgerley, K.C.V.O., C.I.E., I.C.S. ...
R. C. Dutt, Esq., C.I.E. ... ...
W. S. Meyer, Esq., C.I.E., I.C.S. ... ...
W. L. Hichens, Esq. ... ...
} *Members.*

H. Wheeler, Esq., I.C.S. ... ... *Secretary.*

3. The Chairman will arrive in Bombay on the 15th November 1907, and the Commission will then commence its enquiries. It will visit the various provinces of India for the purpose of examining witnesses and for personal conference with the heads and members of local Governments. The Commission's tour programme has not yet been settled: it will be communicated in due course to the local Governments concerned by its Secretary.

4. The Governor-General in Council is confident that local Governments will do all in their power to assist the Commission in its work, and he trusts that they will be able to provide suitable quarters for its sittings. It is understood that they are already preparing the suggestions which they desire to lay before the Commission; and it is requested that they will furnish these to its Secretary as soon as possible,* and will also supply him with the names of non-official gentlemen as well as officers of Government who are, in their opinion, qualified to give valuable evidence before the Commission. A list of questions to be answered in writing will in due course be circulated by the Secretary.

5. The Commission will also be ready to examine such non-official gentlemen as may tender themselves as witnesses and will take steps to invite such evidence.

ORDER.—Ordered that this Resolution and the Royal Warrant appointing the Commission be forwarded to all Local Governments and Administrations for information and guidance and to the several Departments of the Government of India for information, in continuation of the Home Department endorsement Nos. 2084—2106, dated the 8th August 1907; and also to the Secretary to the Royal Commission for the information of the Commission: and that the Resolution and the Royal Warrant be published in the Supplement to the *Gazette of India* for general information.

H. H. RISLEY,
Secretary to the Government of India.

Whitehall, September 12, 1907.

The KING has been pleased to issue a Commission under His Majesty's Royal Sign Manual to the following effect :—

EDWARD, R. & I.

EDWARD THE SEVENTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India, to

Our trusty and well-beloved :—

Sir Henry William Primrose,† Knight Commander of Our Most Honourable Order of the Bath, Companion of Our Most Exalted Order of the Star of India, Companion of the Imperial Service Order;

Sir Frederic Styles Philpin Lely, Knight Commander of Our Most Eminent Order of the Indian Empire, Companion of Our Most Exalted Order of the Star of India;

Sir Steyning William Edgerley, Knight Commander of Our Royal Victorian Order, Companion of Our Most Eminent Order of the Indian Empire;

Romesh Chunder Dutt, Esquire, Companion of Our Most Eminent Order of the Indian Empire;

William Stevenson Meyer, Esquire, Companion of Our Most Eminent Order of the Indian Empire; and

William Lionel Hichens, Esquire; Greeting!

Whereas We have deemed it expedient that a Commission should forthwith issue to enquire into the relations now existing for financial and administrative purposes between the Supreme Government and the various Provincial Goverments in India, and between the Provincial Governments and the authorities subordinate to them, and to report whether, by measures of decentralization or otherwise, those relations can be simplified and improved, and the system of Government better adapted both to meet the requirements and promote the welfare of the different provinces, and, without impairing its strength and unity, to bring the executive power into closer touch with local conditions:

Now know ye, that We, reposing great trust and confidence in your knowledge and ability, have authorized and appointed, and do by these Presents authorize and appoint you, the said Sir Henry William Primrose† (Chairman); Sir Frederic Styles Philpin Lely; Sir Steyning William Edgerley; Romesh Chunder Dutt; William Stevenson Meyer; and William Lionel Hichens to be Our Commissioners for the purposes of the said enquiry.

---

* Mr. Wheeler, who is at present Deputy Secretary in the Finance Department, will be at Bombay (care of the Bombay Secretariat) from the 10th November.

†Sir Henry Primrose has since resigned, and Mr. C. E. H. Hobhouse, M. P., Under Secretary of State for India, has been appointed Chairman of the Commission.

And for the better effecting the purposes of this Our Commission, We do by these Presents give and grant unto you, or any three or more of you, full power, at any place in Our said United Kingdom of Great Britain and Ireland, or in India, to call before you such persons as you shall judge likely to afford you any information upon the subject of this Our Commission; and also whether in Our said United Kingdom, or in India, to call for, have access to and examine all such books, documents, registers and records as may afford you the fullest information on the subject, and to enquire of and concerning the premises by all other lawful ways and means whatsoever.

And We do by these Presents authorize and empower you, or any three or more of you, to visit and personally inspect such places as you may deem it expedient so to inspect for the more effectual carrying out of the purposes aforesaid.

And We do by these Presents will and ordain that this, Our Commission, shall continue in full force and virtue, and that you, Our said Commissioners, or any three or more of you, may from time to time proceed in the execution thereof, and of every matter and thing therein contained, although the same be not continued from time to time by adjournment.

And We do further ordain that you, or any three or more of you, have liberty to report your proceedings under this Our Commission from time to time, if you shall judge it expedient so to do.

And Our further will and pleasure is that you do, with as little delay as possible, report to Us under your hands and seals or under the hands and seals of any three or more of you, your opinion upon the matters herein submitted for your consideration.

Given at Our Court at *Saint James's* the seventh day of *September*, one thousand nine hundred and seven, in the seventh year of Our Reign.

By His Majesty's Command.

H. J. Gladstone.

Punjab Government Press, Lahore—8-11-07—792.

// Government Gazette
PUNJAB AND ITS DEPENDENCIES.
Published by Authority.
LAHORE, FRIDAY, NOVEMBER 15, 1907.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED NOVEMBER 9, 1907.

MILITARY SECRETARY'S OFFICE.

NOTIFICATIONS.

Simla, the 6th November 1907.

No. 2572 *M.*—The following Rules for Levées held by His Excellency the Viceroy and Governor-General at Calcutta and Simla are published for general information :—

I.—The following are entitled to attend His Excellency the Viceroy's Levée :—

All gentlemen, whether European or Indian, who have been presented at the Court of St. James or at the Viceregal Court.

II.—The following, *inter alia*, are eligible for presentation at His Excellency's Levée, whether European or Indian :—

(*a*) All Gazetted Officers in Government employ.

(*b*) All Commissioned Officers in Naval, Military and Marine Services.

(*c*) All Ruling Chiefs.

(*d*) All gentlemen who have received titles of honour from His Majesty the King Emperor or His Excellency the Viceroy.

III.—Gentlemen, whether European or Indian, who have not already been presented at the Court of St. James or at the Viceregal Court, and who desire to be presented at His Excellency's Levée, must submit their applications through the gentlemen proposing to present them. In the case of all Government officials or gentlemen engaged in business the presentor should ordinarily be the Head of the Department or Firm.

These applications should reach the Military Secretary's Office at least a fortnight before the date announced for the Levée.

The names will then be submitted to His Excellency, when, if approved, presentation, cards will be forwarded.

IV.—Applications for permission to be presented, submitted by non-official gentlemen, whether European or Indian, will, as a general rule, be referred to Local Authorities by the Military Secretary to the Viceroy. Only those who are declared eligible on account of their social status will be permitted to attend.

V.—Gentlemen who are entitled *ex-officio* to attend Provincial Darbars or who are officers of Volunteers may be presented at His Excellency the Viceroy's Levées by Heads of their Departments or Commanding Officers. This will not confer upon them the privilege of attending Levées after they have ceased to hold the position which made them eligible for presentation, nor will it entitle them to present other gentlemen. Volunteer officers, who have resigned their commissions, may obtain from the Military Secretary to the Viceroy special permission to attend Levées.

VI.—Questions as to the presentation of officials in the Viceregal Household will be specially decided by the Military Secretary to the Viceroy irrespective of the above rules.

VII.—With the exception of gentlemen attending *ex-officio* and Volunteer officers all gentlemen who are entitled to attend the Levées held by the Governor-General are also entitled to present others and are held personally responsible for the eligibility of their presentees. Gentlemen who present others must themselves attend the Levée.

VIII.—Gentlemen entitled to wear uniform will appear in Full Dress: Military Officers—Review Order, dismounted; Civilians—Levée Dress. Helmets will not be taken to the Levée.

IX.—Clergymen being University Graduates and other gentlemen entitled to wear robes or gowns on account of Judicial or Academical office or status, and not entitled to wear uniform, will appear in such robes or gowns.

X.—Gentlemen not entitled to wear uniform, or robes or gowns, will appear in Evening Dress.

X—Indian gentlemen who do not appear in the dress prescribed above will wear Choga, Aba or Jubba and Chapkan, Chilta, Saya or Kaba with trousers and their distinctive National head dress, or the ceremonial dress approved for their class by the Local Government.

In the case of Bengali gentlemen the head dress should be a Pagree generally known as Shamla or Mouratta, and not a brimless cap.

In the case of Burmese gentlemen, the head dress should be a white fillet, the hair being dressed in a top knot.

Indian gentlemen who do not appear in the dress prescribed in Rules VIII, IX and X should not remove their head dress when they pass His Excellency.

At the Viceregal Court, only patent leather boots or shoes of an English pattern are allowed to be worn, except in the case of Indian Military Officers, who wear the particular style of boot or shoe which forms part of their uniform.

No. 2573 *M.*—The following Rules for Levées held by His Excellency the Viceroy and Governor-General at places other than the Head-Quarters of the Imperial Government are published for general information:—

I.—The following are entitled to attend His Excellency the Viceroy's Levée:—

All gentlemen, whether European or Indian, who have been presented at the Court of St. James or at the Viceregal Court.

II.—The following, *inter alia*, are eligible for presentation at His Excellency's Levée, whether European or Indian :—

(*a*) All Gazetted Officers in Government employ.

(*b*) All Commissioned Officers in Naval, Military and Marine Services.

(*c*) All Ruling Chiefs.

(*d*) All gentlemen who have received title of honour from His Majesty the King Emperor or His Excellency the Viceroy.

III.—Gentlemen, whether European or Indian, who have not already been presented at the Court of St. James or at the Viceregal Court, and who desire to be presented at His Excellency's Levée, must submit their applications through the gentlemen proposing to present them. In the case of all Government officials or gentlemen engaged in business the presentor should ordinarily be the Head of the Department or Firm.

These applications should be submitted to the Chief Secretary, if the Levée takes place at the Head-Quarters of any Local Government, or in other cases to the Commissioner of the Division in which the Levée is held. They should reach the Secretariat, or the Commissioner's office, as the case may be, at least a week before the date announced for it.

If the Local Government or the Commissioner approves, cards of admittance will be issued by them, and a list of those to whom admittance has been accorded will be submitted to the Military Secretary to the Viceroy.

IV.—Gentlemen who are entitled *ex-officio* to attend Provincial Darbars or who are officers of Volunteers may be presented at His Excellency the Viceroy's Levées by Heads of their Departments or Commanding Officers. This will not confer upon them the privilege of attending Levées after they have ceased to hold the position which made them eligible for presentation, nor will it entitle them to present other gentlemen. Volunteer officers, who have resigned their commissions, may obtain from the Military Secretary to the Viceroy special permission to attend Levées.

V.—With the exception of gentlemen attending *ex-officio* and Volunteer officers all gentlemen who are entitled to attend the Levées held by the Governor-General are also entitled to present others, and are held personally responsible for the eligibility of their presentees. Gentlemen who present others must themselves attend the Levée.

VI.—Gentlemen entitled to wear uniform will appear in Full Dress: Military Officers—Review Order, dismounted ; Civilians—Levée Dress. Helmets will not be taken to the Levée.

VII.—Clergymen being University Graduates and other gentlemen entitled to wear robes or gowns on account of Judicial or Academical office or status, and not entitled to wear uniform, will appear in such robes or gowns.

VIII.—Gentlemen, not entitled to wear uniform, or robes or gowns, will appear in Evening Dress.

IX.—Indian gentlemen who do not appear in the dress prescribed above will wear Choga, Aba or Jubba and Chapkan, Chilta, Saya or Kaba with trousers and their distinctive National head dress, or the ceremonial dress approved for their class by the Local Government.

In the case of Bengali gentlemen the head dress should be a Pugree generally known as Shamla or Mouratta, and not a brimless cap.

In the case of Burmese gentlemen the head dress should be a white fillet, the hair being dressed in a top knot.

Indian gentlemen who do not appear in the dress prescribed in Rules VI, VII and VIII should not remove their head dress when they pass His Excellency.

At the Viceregal Court, only patent leather boots or shoes of an English pattern are allowed to be worn, except in the case of Indian Military Officers, who wear the particular style of boot or shoe which forms part of their uniform.

By Command,

VICTOR BROOKE, *Lt.-Colonel,*

Military Secretary to the Viceroy.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 4th November 1907.

No. 163.—With reference to Public Works Department Notifications Nos. 57 and 31, dated 26th March and 14th February 1907, respectively, the following permanent promotions are ordered in the Superior Accounts Branch:—

Name	From	To	With effect from
* * *	* * * * *	* * *	* *
Mr. L. S. Deane	Assistant Examiner, 1st grade, and Deputy Examiner, Class II, Temporary.	Deputy Examiner, Class II.	1st January 1907.
* * *	* * * * *	* * *	* *

L. M. JACOB,

Secretary to the Government of India.

Punjab Government Press, Lahore—15-11-07—792.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, NOVEMBER 22, 1907.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED NOVEMBER 16, 1907.

HOME DEPARTMENT.

NOTIFICATIONS.

PUBLIC.

Calcutta, the 14th November 1907.

No. 3009.—His Excellency the Governor-General is pleased to declare that Commissioners of Divisions shall have the privilege of private entrée to Government House.

ESTABLISHMENT.

The 12th November 1907.

No. 1232.—The services of Mr. J. Wilson, C.S.I., of the Indian Civil Service, are replaced at the disposal of the Government of the Punjab with effect from the afternoon of the 30th October 1907.

H. H. RISLEY,

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Calcutta, the 13th November 1907.

No. 167.—The following promotions and reversions are ordered in the superior Accounts Branch:—

Name.	From	To	Nature or promotions.	With effect from
Mr. L. S. Deane ...	Deputy Examiner, Class II	Deputy Examiner, Class I	Temporary	19th June 1907.

L. M. JACOB,

Secretary to the Government of India.

THE HON'BLE THE AGENT TO THE GOVERNOR-GENERAL AND CHIEF COMMISSIONER, NORTH-WEST FRONTIER PROVINCE.

NOTIFICATIONS.

Peshawar, the 9th November 1907.

No. 105.—The following candidates are declared to have passed in Pashtu by the Higher Standard at the Examinations held at Peshawar, Dera Ismail Khan, Chitral and Lahore Cantonment, on the 28th October 1907 and following day :—

1. Lieutenant G. W. Anderson, 26th Punjabis.
2. Captain W. F. C. Gilchrist, 52nd Sikhs.
3. Lieutenant J. G. L. Ranking, 46th Punjabis.
4. Lieutenant O. D. Bennett, 26th Punjabis.
5. Lieutenant J. P. Villiers Stuart, 55th Cokes Rifles (F. F.).
6. Assistant Surgeon L. S. Holmes, I.S.M.D.
7. Private W. Niven, 2nd Battalion, the Black Watch.
8. Captain R. A. Yule, Assistant Political Agent, Chilas.
9. Assistant Surgeon G. H. Lawrence, I.S.M.D.
10. Captain E. C. Hepper, I.M.S., Plague Officer, Peshawar.
11. Sergeant E. Hempsall, 18th Mule Cadre.
12. Lieutenant R. Rainsford Hannay, 45th Sikhs.
13. Sergeant R. P. Scarle, Supply and Transport Corps.
14. Captain T. L. Leeds, 59th Scinde Rifles (F. F.).
15. Lieutenant F. Etheridge, 7th Rajputs.
16. 2nd-Lieutenant W. H. Clark, 5th Cavalry.
17. Sergeant-Major J. Anderson, 2nd Battalion, the Black Watch.
18. Mr. J. M. Ewart, Assistant Superintendent of Police, Peshawar.
19. Captain H. C. Szczepanski, Military Accounts Department.
20. Lieutenant E. C. Smith, 22nd Punjabis.
21. Lieutenant H. J. Mackenzie, Southern Waziristan Militia.
22. Captain C. W. Carey, Q. O. Corps of Guides.
23. Captain P. L. Beddy, 51st Sikhs (F. F.).
24. 2nd-Lieutenant V. L. T. Dane, 22nd Punjabis.
25. Captain C. DeSausmarez, D.S.O., R.A., 22nd Derajat Mountain Battery.
26. Lance-Corporal J. Cowie, 2nd Battalion, the Gordon Highlanders.
27. Captain H. G. S. Webb, R.A.M.C.
28. Major E. M. Lachlan, 13th Battery, R.F.A.
29. Lieutenant H. N. Lee, 59th Scinde Rifles (F. F.).
30. Lieutenant C. D. Webster, 30th Punjabis.
31. Lieutenant E. Jotham, 51st Sikhs.
32. Miss M. K. T. Holst, Missionary Lady, Mardan.
33. Lieutenant K. D. B. Murray, 59th Scinde Rifles.

No. 106.—The undermentioned candidates are declared to have passed the examination in Pashtu held at Peshawar and Dera Ismail Khan on the 30th October 1907, under Rule XI of the Rules for Examinations in the Pashtu and Baluchi Languages published with Punjab Government Gazette notification No. 432, dated the 9th May 1899 :—

(1) Bostan Khan, Sub-Inspector of Police, Dera Ismail Khan.

(2) Sikandar Khan, Sub-Inspector of Police, Bannu.

(3) Abdulla Khan, Offg. Naib Tahsildar, Kurram.

(4) Nanak Chand, Sub-Inspector of Police, Kohat.

(5) Didar Singh, Court Inspector, Simla.

(6) Hemraj, Sub-Inspector of Police, Jhelum.

(7) Ali Husain, Sub-Inspector of Police, Criminal Intelligence Department, Punjab.

(8) Abdur Rahman, Sub-Inspector of Police, Peshawar.

(9) Nasrulla Khan, Sub-Inspector of Police, Kohat.

(10) Muhammad Gul, Sub-Inspector of Police, Peshawar.

By order, etc.,

T. COPELAND,

Assistant Secretary to the Chief Commissioner,

N.-W. Frontier Province.

FROM THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED 16TH NOVEMBER 1907.

Nos. 1245—1251.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

ESTABLISHMENTS.

ALLOTMENT OF MEMBERS OF THE INDIAN CIVIL SERVICE APPOINTED TO THE BENGAL PRESIDENCY IN 1907.

Calcutta, the 15th November 1907.

RESOLUTION.

The undermentioned gentlemen have recently been appointed in England to the Indian Civil Service (Bengal Presidency) in the order specified below :—

John Reginald Trevor Booth ...	United Provinces, Punjab and Central Provinces.
Alan Hubert Lloyd	Burma.
Maurice Garnier Hallett	Lower Provinces.
Alfred Alan Lethbridge Parsons ...	United Provinces, Punjab and Central Provinces.
Arthur Stuart Ahluwalia Stronge Gilbert	Burma.
Harold Massyn Veitch	Lower Provinces.
Edward Moore Mannooch	" "

Seymour Gonne Vesey-FitzGerald ...	United Provinces, Punjab and Central Provinces.
Philip Mason	... Ditto ditto.
Frank David Ascoli ...	... Lower Provinces.
Panna Láll	... United Provinces, Punjab and Central Provinces.
Henry Hewat Craw ...	... Burma.
Robert Niel Reid ...	... Lower Provinces.
Alan Lachlan Gordon Walker	... United Provinces, Punjab and Central Provinces.
Mahadeva Vishnu Bhide	... Ditto ditto
William Alexander Seaton	... Lower Provinces.
Francis Hammond Staples	... United Provinces, Punjab and Central Provinces.
Arunachala Tyaga Rajan	... Burma.
Thomas Luby ...	... Lower Provinces.
Fletcher Cecil Macdonald Cruickshank	... United Provinces, Punjab and Central Provinces.
Basil Camden Prance ...	... Lower Provinces.
Timothy William Bridge ...	... " "
John Reginald Silvester Parsons	... United Provinces, Punjab and Central Provinces.
Ralph Friel	... Lower Provinces.
*Robert John Jackson ...	... United Provinces, Punjab, and Central Provinces.
Alexander Grierson Shirreff	... Ditto ditto.
William Robert Wilson ...	... Ditto ditto.
Arthur John Page ...	... Burma.
Kismet Leland Brewer Hamilton	... United Provinces, Punjab and Central Provinces.
John Rutherford Dain ...	... Lower Provinces.
Harold Gordon Smith ...	... United Provinces, Punjab and Central Provinces.
Nevill Edward Parry ...	... Lower Provinces.
John Maynard Fletcher ...	... " "
Henry Ferdinand Sitzler ...	... Burma.
Henry Osborne Reynolds ...	... "
William Perry ...	... United Provinces, Punjab and Central Provinces.
Basil John Gould ...	... Ditto ditto
Archie Gerard Mosely ...	... Burma.
George Thomas Lloyd ...	... Lower Provinces.
Francis Joseph Grattan Geary	... " "
Arthur Hugh Murray ...	... " "
James Augustine Sweeney	... " "
William Wallace Powell ...	... United Provinces, Punjab and Central Provinces.

*This candidate has not yet qualified in riding.

John Ford Sale ...	...	United Provinces, Punjab and Central Provinces.
Clement Wansbrough Gwynne	...	Ditto ditto.
Norman Walker ...	...	Ditto ditto.
*Charles Bartley ...	...	Lower Provinces.

2. The Governor-General in Council has been pleased to attach the above-mentioned gentlemen to the Provinces shown below against their names :—

Mr. M. G. Hallet	Bengal.
" E. M. Mannooch	Bengal.
" R. N. Reid	Bengal.
" T. Luby	Bengal.
" T. W. Bridge	Bengal.
" J R. Dain	Bengal.
" J. M. Fletcher	Bengal.
" F. J. G. Geary	Bengal.
" J. A. Sweeney	Bengal.
" C. Bartley	Bengal.
Mr. H. M. Veitch	Eastern Bengal and Assam.
" F. D. Ascoli	Eastern Bengal and Assam.
" W. A. Seaton	Eastern Bengal and Assam.
" B. C. Prance	Eastern Bengal and Assam.
" R. Friel	Eastern Bengal and Assam.
" N. E. Parry	Eastern Bengal and Assam.
" G. T. Lloyd	Eastern Bengal and Assam.
" A. H. Murray	Eastern Bengal and Assam.
Mr. J. R. T. Booth	United Provinces.
" P. Mason	United Provinces.
" Panna Lâll	United Provinces.
" F. C. M. Cruickshank	United Provinces.
" A. G. Shirreff	United Provinces.
" H. G. Smith	United Provinces.
" W. Perry	United Provinces.
" J. F. Sale	United Provinces.
" C. W. Gwynne	United Provinces.
" N. Walker	United Provinces.
Mr. A. A. L. Parsons	Punjab.
" A. L. Gordon Walker	Punjab.
" Mahadeva Vishnu Bhide... ...	Punjab.
" J. R. S. Parsons	Punjab.
" W. R. Wilson	Punjab.
" B. J. Gould	Punjab.
" W. W. Powell	Punjab.

*This candidate has not yet qualified in riding.

Mr. S. G. Vesey-FitzGerald	...	...	...	Central Provinces.
" F. H. Staples ...	...	...	...	
" R. J. Jackson ...	...	...	...	
" K. L. B. Hamilton	...	...	...	
Mr. A. H. Lloyd ...	...	...	...	Burma.
" A. S. A. S. Gilbert	...	...	...	
" H. H. Craw ...	...	...	...	
" Arunachala Tyaga Rajan	...	...	...	
" A. J. Page ...	...	...	...	
" H. F Sitzler ...	...	...	...	
" H. O. Reynolds ...	...	...	...	
" A. G. Mosely ...	...	...	...	

3 The Governor-General in Council is further pleased to direct that the gentlemen posted to Bengal shall, on arrival at Calcutta, report themselves to the Chief Secretary to the Government of Bengal. The officers posted to Eastern Bengal and Assam should telegraph from Calcutta to the Chief Secretary to the Government of that province at Shillong for orders as to their destination, in the event of their not finding instructions awaiting their arrival. Gentlemen who land at Bombay should enquire of the Chief Secretary to the Government of Bombay whether any orders are awaiting them from the Government of the province to which they have been posted. The officers posted to Burma should proceed to Rangoon and report themselves to the Chief Secretary to the Government of that province.

4 The officers posted to the United Provinces should report themselves to the Chief Secretary to the Government of the United Provinces, Allahabad. Those posted to the Punjab should telegraph from Bombay to the Chief Secretary to the Government of the Punjab, Lahore, for orders as to their destination, in the event of their not finding instructions awaiting their arrival. The officers posted to the Central Provinces should report by telegraph from Bombay their arrival to the Chief Secretary to the Chief Commissioner of those provinces at Nagpur, by whom they will be instructed to which portion of the province to proceed.

ORDER.—Ordered that a copy of this Resolution be forwarded to the Governments of Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab and Burma, and to the Honourable the Chief Commissioner of the Central Provinces, for information and guidance. Also that the Resolution be published in the Supplement to the *Gazette of India*, and that a copy be forwarded to each of the gentlemen named therein.

H. H. RISLEY,

Secretary to the Government of India.

Punjab Government Press, Lahore—22-11-07—792.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, NOVEMBER 29, 1907.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED NOVEMBER 23, 1907.

HOME DEPARTMENT.

NOTIFICATION.

MEDICAL.

Calcutta, the 22nd November 1907.

No. **1221.**—The services of Captain H. H. Broome, M.B., I.M.S., are placed temporarily at the disposal of the Government of the Punjab for employment on plague duty with effect from the 8th October 1907.

H. H. RISLEY,

Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATION.

Simla, the 14th November 1907.

No. 4449 *E. C.*—In exercise of the powers conferred upon him by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor-General in Council is pleased to apply the provisions of the Bengal Eastern Frontier Regulation, 1873 (V of 1873), to the State of Bashahr, and to declare that the said Regulation shall be read subject to the following modifications, that is to say, as if—

(1) for the 'Local Government of Bengal' the 'Local Government of the Punjab' were substituted;

(2) for the '*Calcutta Gazette*' the '*Punjab Gazette*' were substituted;

(3) for 'any district or districts referred to in the Regulation' the 'State of Bashahr' were substituted;

(4) for the 'chief executive officer of any district' the 'Superintendent, Hill States, Simla district,' were substituted.

L. W. DANE,

Secretary to the Government of India.

FINANCE DEPARTMENT.

NOTIFICATION.

LEAVE AND APPOINTMENTS.

Calcutta, the 21st November 1907.

No. 7031 *E. O.*—Mr. W. H. Michael, I.C.S., is transferred to Lahore as Accountant-General, Punjab, with effect from the 16th of November 1907.

J. S. MESTON,

Secretary to the Government of India.

ARMY DEPARTMENT.

Fort William, the 22nd November 1907.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

1st Punjab Volunteer Rifles.

No. 939.—Lieutenant Godfrey Edward Landon, (supernumerary list), resigns his commission. Dated 20th May 1907.

North-Western Railway Volunteer Rifles.

No. 942.—Lieutenant-Colonel Edward Fountaine Jacob, V.D., C.I.E., (supernumerary list), resigns his commission. Dated 16th October 1907.

A. W. L. BAYLY,

Secretary to the Government of India.

Punjab Government Press, Lahore—29-11-07—792.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, DECEMBER 6, 1907.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED NOVEMBER 30, 1907.

HOME DEPARTMENT.

NOTIFICATIONS.

MEDICAL.

Calcutta, the 27th November 1907.

No. 1232.—Captain C. W. F. Melville, M.B., I.M.S., is appointed to officiate as Professor of Anatomy, Lahore Medical College, with effect from the 12th October 1907, during the absence on furlough of Major J. C. Lamont, M. B., I.M.S., (Bengal), or until further orders.

2. The Home Department Notification No. 1090 (Medical), dated the 27th September 1907, is hereby cancelled.

JUDICIAL.

Tthe 29th November 1907.

No. 1734.—In exercise of the power conferred by section 138 of the Negotiable Instruments Act, 1881 (XXVI of 1881), the Governor-General in Council is pleased to appoint Mr. W. M. Saunders to be a Notary Public and to exercise his functions as such in Simla.

H. H. RISLEY,

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Calcutta, the 27th November 1907.

No. 174.—Mr. A. J. Wadley, Executive Engineer, 1st grade, Punjab, officiated as a Superintending Engineer in addition to his own duties from the 3rd to the 7th November 1907, both days inclusive.

No. 175.—Mr. R. E. Purves, Executive Engineer, 1st grade, Punjab, is appointed to officiate as a Superintending Engineer, with effect from the 8th November 1907 and until further orders.

L. M. JACOB,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATION.

RAILWAY.

Calcutta, the 29th November 1907.

No. 9977.—In pursuance of clause (1) of section 135 of the Indian Railways Act, 1890 (IX of 1890), and in supersession of the notifications of the Government of India in the Public Works Department, No. 270, dated the 12th June 1890, and No. 136, dated the 5th April 1893, the Governor-General in Council is pleased to declare that every Railway administration in British India shall hereafter be liable to pay, in respect of property within any local area, every tax which may lawfully be imposed by any local authority in aid of its funds, under any law for the time being in force.

No. 9978—9985.

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE AND INDUSTRY.

RAILWAY.

FROM

W. L. HARVEY, Esq., C.I.E., I.C.S.,

Secretary to the Government of India,

To

THE SECRETARY TO THE BENGAL CHAMBER OF COMMERCE.
THE SECRETARY TO THE BOMBAY CHAMBER OF COMMERCE.
THE SECRETARY TO THE MADRAS CHAMBER OF COMMERCE.
THE SECRETARY TO THE KARACHI CHAMBER OF COMMERCE.
THE SECRETARY TO THE RANGOON CHAMBER OF COMMERCE.
THE SECRETARY TO THE UPPER INDIA CHAMBER OF COMMERCE.
THE SECRETARY TO THE PUNJAB CHAMBER OF COMMERCE.
THE SECRETARY TO THE CHITTAGONG CHAMBER OF COMMERCE.

Calcutta, the 30th November 1907.

SIR,

In accordance with the promise made by the Right Honourable the Secretary of State for India to the deputations that waited on him in March last, from the Indian Railway Companies and from East India Merchants, a Committee was appointed to enquire and report on certain important questions concerning Indian Railways and their administration. It was at first arranged that a deputation consisting of Sir James Mackay, the Chairman, and Sir Walter Lawrence, one of the Members, accompanied by the Secretary of the Committee and by Mr. Brereton, the Government Director of Indian Railways, should visit India to receive evidence from officials, and from representatives of the mercantile community on the subject of the enquiry. But the Secretary of State has now intimated

that the deputation of these gentlemen to India has been abandoned, and that it is considered sufficient for the Committee to receive the views of those interested in the subject in India by letter. Mr. Brereton will, however, visit India in his capacity of Government Director of Indian Railway Companies.

2. The following are the points which have been remitted to the Committee for enquiry :—

(1) whether the amounts allotted in recent years for railway construction and equipment in India are sufficient for the needs of the country and for the development of its trade ; and, if not, then

(2) what additional amounts may properly aud advantageously be raised for this purpose ;

(3) within what limits of time, and by what methods they should be raised ;

(4) towards what object should they be applied ;

(5) whether the system under which the Railway Board now works is satisfactory, or is capable of improvement, and to make recommendations.

3. If the Committee of your Chamber desire to make any representation on the above subjects, I am to request that they may be sent direct to the Secretary, Railway Finance Committee, India Office, London, and that a copy of the communication may at the same time be forwarded for the information of the Government of India.

I have the honour to be,

SIR,

Your most obedient Servant,

W. L. HARVEY,

Secretary to the Government of India.

No. 9986.

ORDERED, that a copy of the above letter be published in the *Gazette of India* with the intimation that the procedure indicated in paragraph 4 may be followed by any other public body who may desire to address the Committee on the subjects of the enquiry.

G. RAINY,

Under-Secretary to the Government of India.

W. L. HARVEY,

Secretary to the Government of India.

ARMY DEPARTMENT.

Fort William, the 29th November 1907.

PROMOTIONS.

INDIAN ARMY.

No. 945.—The following promotions are made subject to His Majesty's approval :—

Captains to be Majors.

9th November 1907.

* * * * * * * *

Bernhard Oswald Roe, Supernumerary List.

* * * * * * * *

A. W. L. BAYLY,

Secretary to the Government of India.

Punjab Government Press, Lahore—6-12-07—792.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, DECEMBER 13, 1907.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED DECEMBER 7, 1907.

HOME DEPARTMENT.

NOTIFICATIONS.

MEDICAL.

Calcutta, the 3rd December 1907.

No. 1244.—The services of Captain H. C. Keats, M.B., I.M.S., are placed temporarily at the disposal of the Government of the Punjab for employment on plague duty.

ECCLESIASTICAL.

The 4th December, 1907.

No. 479.—The Governor General in Council is pleased to direct that the following shall be substituted for the last two paragraphs of rule IX of the rules regulating grants for the building of churches, etc., published with the Home Department Notification No. 178, dated the 21st May 1897, as amended by the Home Department Notification No. 314, dated the 14th July 1899 :—

"The maximum grant will be found by multiplying the cubic content of the approved design by a rate 15 per cent. in excess of the local rate per cubic foot for ordinary first-class buildings of substantial construction, such as court-houses.

The cubic content of a building will be arrived at by multiplying the plinth areas of the different parts, such as main rooms, verandahs, tower, etc., by the heights from plinth to roof-level of these parts, and then by adding them together. In the case of a sloping roof the height will be measured to the mean height of the slope."

H. H. RISLEY,

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Calcutta, the 30th November 1907.

No. 177.—With reference to Public Works Department Notification No. 162, dated the 30th October 1907, Mr. J. T. Farrant, Superintending Engineer, 1st class, temporary rank, Punjab, is appointed to officiate as Chief Engineer and Secretary to the Government of the Punjab, in the Public Works Department, Buildings and Roads Branch, from the date on which he takes over charge of the office from Mr. C. E. V. Goument.

The 4th December 1907.

No. 178.—Mr. A. E. Cocheme. Executive Engineer, 1st grade, Punjab, is permitted to retire from the service with effect from the 23rd December 1907 under the provisions of article 641 (*b*) of the Civil Service Regulations.

L. M. JACOB,

Secretary to the Government of India.

FINANCE DEPARTMENT.

NOTIFICATION.

No. 7321-Ex.

SALARIES, ESTABLISHMENTS, ETC.
COMPENSATION.

RESOLUTION.

Calcutta, the 7th December 1907.

In the Resolution of the Government of India in the Finance Department, No. 3543-Ex., dated the 7th June 1907, it was ruled that no person appointed from that date under a written contract in England should be entitled to exchange compensation allowance unless he is explicitly admitted thereto under the terms of his contract or unless the appointment which he holds gives him a claim to the allowance under any general rule or decision of the Government of India. In order to carry out the intention of this Resolution, His Excellency the Governor General in Council considers it desirable to publish the statement, which is herewith attached, in order to show what are the services or branches of services in which officers appointed in England are to be held to be eligible, in the absence of any special disqualification, to receive the allowance. It should be understood that the statement is based on existing orders and practice, and is liable to alteration from time to time. Officers appointed to posts not forming part of any regular service stand in a special position, being, in the absence of any special provision in their contracts, *primâ facie* eligible for the allowance if appointed in England before the 7th June 1907, but ineligible if appointed on or after that date.

Ordered that the Resolution together with the statement be published in the *Gazette of India.*

*Statement showing the English recruited services and departments and branches thereof, the members of which are eligible, in the absence of any special disqualification (which may be either porsonal or official), to draw exchange conmpensation allowance.**

1. Judges of High and Chief Courts.

2. Military officers on salaries not fixed in sterling: departmental officers with honorary rank; and departmental warrant officers (except those of the Army Clothing Department).

3. Officers of the Public Works Department and Railways, of rank not higher than Executive Engineers.

4. Officers of the—

(a) Indian Civil Service.

(b) Indian Educational Service.

(c) Indian Medical Service.

(d) Indian Telegraph Department.

(e) Civil Veterinary Department.

(f) European Gardeners' Service.

(g) State Railway Revenue Establishments.

(h) Public Works Department, Superior Accounts Service.

(i) Marine Department.

J. S. MESTON,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATIONS.

GEOLOGY AND MINERALS.

Calcutta, the 4th December 1907.

No. 10014-100.—In exercise of the power conferred by section 20 (2) (v) of the Indian Mines Act, 1901 (VIII of 1901), the Governor-General in Council is pleased to make the following rules for application to all mines in British India :—

Rules.

(I) If the owner, agent or manager of any mine intends to extend any mining operations under his control at or to any point within fifty yards of any railway subject to the provisions of the Indian Railway Act, 1890, he shall give the Chief Inspector of Mines and the Railway Administration concerned notice in writing of his intention so to do 60 days before the commencement of such extension.

(II) If the operations in respect of which notice is given under rule I are not commenced within twelve months from the expiry of the period of 60 days therein referred to, the notice shall be held to have expired and a fresh notice shall be given by the owner, agent or manager of the mine, under rule I.

(III) The notice to be given under rule I shall specify the position of the working of the mine in relation to the railway in question, the manner in which it is proposed to carry out the intended new operations, the limits to which it is proposed to carry the said operations, and whether the operations are actually in progress,—and shall include a plan showing the existing and the intended mining operations in so far as they affect the railway in question.

PETROLEUM.

The 5th December 1907.

No. 10164-23.—In exercise of the power conferred by section 23 of the Indian Petroleum Act, 1899, (VIII of 1899), the Governor-General in Council is pleased to limit the operation of the Punjab Muncipal Act, 1891, (XX of 1891), in so far as it relates to the possession or transport of petroleum, to quantities of non-dangerous petroleum not exceeding 500 gallons, and to quantities of dangerous petroleum not exceeding 3 gallons if contained in separate glass, stoneware or metal vessels, each of which contains not more than a pint and is securely stopped.

EXPLOSIVES.

The 6th December 1907.

No. 10134-31.—In exercise of the powers conferred by section 5 of the Indian Explosives Act, 1884, (IV of 1884), the Governor-General in Council is pleased to make the following amendments in the rules regulating the transport and importation of explosives published with the notification in this Department, No. 4555—4 (Explosives), dated the 31st May 1907 :—

(1) In rule 17, after the word " Aden," the words " (in the case of the explosives referred to in rule 18) Chittagong " shall be inserted.

(2) In rule 18, after the word " Aden," the word " Chittagong " shall be inserted.

POST OFFICE.

The 6th December 1907.

No. 10255-334.—In exercise of the power conferred by section 21, sub-section (2) clause (*a*), of the Indian Post Office Act, 1898 (VI of 1898), the Governor-General in Council is pleased to direct that, with effect from the 1st January 1908, the following amendments shall be made in the rules published with the notification in the Finance and Commerce Department, No. 1429, C. S. R., dated the 30th March 1899, as subsequently amended, namely :—

In rule 144, sub-rule (2) (*a*) after the words " may require " the words " and the actual number of articles in respect of which the certificate is required shall be written in words at the foot of the document " shall be added ;

(*b*) for the words " addresses of the articles with the certificate, and, if they be correct," the words " number of the articles presented and the addresses on them with the entries in the certificate, and, if the latter be correct " shall be substituted.

W. L. HARVEY,

Secretary to the Government of India.

ARMY DEPARTMENT.

Fort William, the 6th December 1907.

CANTONMENTS.

No. 966.—In exercise of the powers conferred by section 25 of the Cantonments Act, 1889 (XIII of 1889), the Governor-General in Council is pleased to extend to the Cantonment of Amritsar the provisions of section 53, sub-section (2) of the Punjab Municipal Act, 1891 (Punjab Act XX of 1891), in the adapted form set forth below :—

" If any inhabitant, when called upon by the Cantonment Committee, to furnish such information as may be necessary, to ascertain whether he is liable to pay any of the taxes levied in the Cantonment, omits to furnish it, or furnishes information which is untrue, he shall be punishable with fine, which may extend to one hundred rupees."

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

1st Punjab Volunteer Rifles.

No. 981.—John Ashford, gentleman, to be Second-Lieutenant, *vice* Wilson resigned. Dated 15th October 1907.

Lieutenant John Anthony Swainson to be Captain, *vice* Hennessy resigned. Dated 7th October 1907.

Lieutenant Edward Lewis Sterling resigns his commission. Dated 18th October 1907.

Simla Volunteer Rifles.

No. 982.—Second-Lieutenant James Willis Erskine resigns his commission. Dated 26th October 1907.

A. W. L. BAYLY,

Secretary to the Government of India.

FROM THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DECEMBER 7, 1907.

No. 10201—10221—11.

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE AND INDUSTRY.

COMMERCIAL EXHIBITION.

THE FRANCO-BRITISH EXHIBITION, LONDON, 1908.

RESOLUTION.

Calcutta, the 6th December 1907.

THE following papers relative to the Franco-British Exhibition, London, 1908, are published for general information, in continuation of the Resolution, No. 3580—3600-5, dated the 25th April 1907, published in the Supplement to the *Gazette of India*, dated the 27th April 1907.

2. Intending exhibitors desiring financial assistance from the Indian Committee should send their applications direct in the form prescribed by the Committee. Printed copies of the form can be obtained, free of charge, from the Superintendent of Government Printing, India, Calcutta.

Franco-British Exhibition, 1908.

SHEPHERD'S BUSH, LONDON.

BRITISH INDIAN SECTION.

INDIAN COMMITTEE.

Honorary President.

His Excellency the Right Honourable
The Earl of Minto, O.M., G.M.S.I., G.C.M.G., G.M.I.E.
John Alston, Esq.
Lt.-Col. Sir David W K. Barr, K.C.S.I.
Sir Edward C Buck, K.C.S.I., LL.D.
Sir James Buckingham, C.I.E.
Sir James A. Bourdillon, K.C.S.I.
Sir Ernest Cable.
Col. Sir T. H. Holdich, K.C.M.G., K.C.I.E., C.B.
Sir H. Seymour King, M.P., K.C.I.E.
Sir William Lee-Warner, K.C.S.I.
Sir Edward FG. Law, K.C.S.I., K.C.M.G.
Sinclair Macleay, Esq.
Sir Patrick Playfair, C.I.E.
Dr. John Pollen, C.I.E.
J. D. Rees, Esq., M.P., C.I.E.
F. Roberts, Esq.
J. E. N. Stuart, Esq.
Sir Thomas Wardle, F.C.S.
Sir George Watt, M.B., C.I.E.

Executive and Finance Sub-Committee.

Sir William Lee-Warner, K.C.S.I., Chairman.
Sir Edward FG. Law, K.C.S.I.
Lt.-Col. Sir David W. K. Barr, K.C.S.I.
Mr. B. J. Rose, Secretary.

Bankers and Official Agents.

Messrs. Henry S. King & Co.,
65, Cornhill, London, E.C.
and the firm's various branches in India.

FRANCO-BRITISH EXHIBITION, LONDON, 1908.

BRITISH INDIAN SECTION.

Form of Application for space.

Full name of Person or Firm ______________________________

Address in full ______________________________

____

____

Particulars of space required ______________________________

____

Floor space ______ feet long by ______ feet wide, total sq. ft. ______

____

Special features of articles exhibited, explanations and general remarks

____

____

____

____

____

If it is desired to illustrate a manufacturing process, state its nature ______

____

____

____

FULL LIST OF ARTICLES TO BE EXHIBITED.

(For Catalogue purposes.)

General regulations for Exhibitors in the British Indian Section of the Franco-British Exhibition, London, 1908.

1. *Applications for space in the Indian Section.*—Applications for space should be forwarded as soon as possible to the Secretary, Indian Committee, Franco-British Exhibition, India Office, London, S.W.

All applications will be considered in the order of their receipt, but owing to the limited amount of space at the disposal of the Indian Committee, they cannot undertake to allot the whole or any part of the space applied for, their object being to secure the best possible exhibits. In exceptional cases the Indian Committee may render special assistance to exhibitors of articles of Indian origin and manufacture whose circumstances do not admit of their meeting the ordinary charges.

2. *Date of reception of Exhibits.*—All exhibits accepted by the Committee or their authorised agents, must be delivered to the Indian Section between the 15th March and 15th April 1908. Exhibits for the exhibition should therefore be despatched from India, at the latest by the 15th March 1908.

3. *Prohibition of transfer of space or substitution of Exhibits.*—No exhibitor will be permitted to transfer his allotment, or allow any other than his own duly accepted exhibits to be placed thereon. All goods must be exhibited in the name of the person or firm who signed the form of application.

4. *Forfeiture of allotted space.*—Space not occupied twenty-one days previous to the opening of the exhibition will be forfeited, and otherwise allotted at the discretion of the Indian Committee.

5. *Forwarding of Exhibits.*—Exhibitors may transmit their goods though the official agents to the Indian Committee, Messrs. H. S. King & Co., or any forwarding agent, or direct to the Exhibition. Each case or package should have at least two address labels securely fixed on contiguous sides. These labels should be clearly and legibly addressed to Mr. B. J. Rose, Indian Section, Franco-British Exhibition, 1908, Shepherd's Bush, London, W.

6. *Conveyance and Installation Expenses.*—Exhibitors must bear all expenses of conveying, delivering, arranging, installing, and removing their exhibits ; and also the cost of erecting all fixtures, platforms, screens and counters. For the convenience of Indian exhibitors the Committee are willing to undertake the installing of exhibits on terms to be previously arranged.

7. *Supervision of arrival, installation, and departure of Exhibits.*—Unless other arrangements are made with the Indian Committee, exhibitors must personally, or by their accredited representatives, receive, unpack, and instal their exhibits, and remove their cases within a period of four weeks after the close of the exhibition.

8. *Removal of Exhibits.*—No exhibit may be removed from the Indian Pavilion before the close of the exhibition without the special permission of the Indian Committee.

9. *Sale of Exhibits.*—Exhibits sent for sale can only be sold for delivery at the close of the Exhibition. The price asked for all goods forwarded for sale should be marked, if possible, on the article itself, as well as being shown in the invoice. The sale price must include a commission of 10 per cent., which will be retained by the Committee to cover the cost of the necessary sales staff, etc. Clear and definite instructions must be inserted in the invoice as to whether the goods are to be returned, or sold to the best advantage in case the price demanded is not obtainable. In default of any such instructions, it will be assumed that the exhibits may be disposed of as may seem best to the Committee.

10. *Liability of Exhibitors.*—Every exhibitor shows at his own risk in every respect, and it is a condition that he holds the Indian Committee harmless, and indemnify it against any legal proceedings arising from any injury or accident caused by his machinery or other article exhibited by him, or from any action which it may be necessary to take in enforcing compliance with the Regulations. The above rule applies to companies and firms as well as to individual exhibitors.

General Rules and Regulations of the Franco-British Exhibition, 1908.

In the following Rules and Regulations, the following terms shall have the following meanings, respectively: "Association," the Franco-British Exhibition Incorporated: "Exhibition," the Franco-British Exhibition, Shepherd's Bush, London, W.; "Concessionaire," any person or partnership, or other body of persons, whether incorporated or not incorporated and whether domiciled in the United Kingdom or elsewhere, who or which has an agreement with the Association for a Concession or has signed a copy of the Rules and Regulations of the Exhibition; "Concession," the exhibit, attraction, entertainment, or privilege of the Concessionaire as set forth in the contract with the Association; site or building, or portion thereof, any space allotted to the Concessionaire for his Concession by the Association under contract between the said parties, and words denoting the singular number only shall include the plural number, and words denoting the masculine gender, the faminine gender and *vice versá*.

Opening and closing.

1. It is intended that the Exhibition shall be opened in or about May of 1908, from about 11 A.M. to about 11 P.M. daily, except Sundays, and remain open for a period of about twenty weeks, but the Association reserve the right to extend or reduce such period or hours and dates. Due notice will be given as to the opening and closing of the Exhibition.

Change of plans and rules.

2. The Association, whilst intending to adhere as closely as possible to their published plans and general rules, reserve the power to make any modifications or alterations they may desire, and no Concessionaire shall be released from any of his obligations, nor shall he be entitled to make any claims by reason thereof nor on account of any alteration in the programme of the Association which may be found necessary or expedient.

Installation and removal.

3. Concessionaires agree to pay all expenses of conveying, delivering, arranging, fixing and removing everything connected with their Concession, and also the costs of erection of all buildings (if any), structures, partitions, fixtures, screens, decorations, etc., required; and they must personally, or by their representative, superintend the transmission, reception, unpacking, installation and (at the close of the Exhibition expiration of this agreement, whichever shall first happen) the removal of their goods at the expense of the Concessionaire and all articles connected with their Concession. The Association reserve to themselves the right of doing at the expense of the Concessionaire whatever they may consider necessary unless this Regulation is strictly complied with.

Underletting.

4. No Concessionaire shall assign, transfer or underlet or part with the possession of any site or building or portion thereof allotted to him, or dispose of any part or interest in the Concession, nor place thereon any other than his own duly approved Concession, and the Concessionaire hereby declares that no other person other than the name or names appearing in any Contract with the Association is pecuniarily or otherwise interested with him; and he further agrees that he will not, after the signing of the above Contract, enter into partnership in respect of this Contract of his Concession without the written sanction of the Association, which consent the Association shall not be bound to concede. Any breach of this rule renders the Concessionaire liable to have such Contract forfeited, and he shall not be entitled to any compensation, nor the return of any monies whatever from the Association.

Refreshments.

5. No articles of alimentation, refreshment, food, drink or tobacco shall be either bought, sold, given away or consumed at, on or in any site, building or part thereof used for the Concession by any Concessionaire or his employés without the written permission of the Association, or unless it is expressly provided to the contrary in the Concessionaire's agreement with the Association.

No deception.

6. No deception of the public of any kind will be allowed. Anything which has not been clearly described, or which shall not be approved of by the Association, shall not be permissible for exhibition or display to the public; and the Association reserve the right to refuse the admission to, or to enforce the removal from, the Exhibition at any time

of any article or object which they may deem unsuitable, dangerous, or in any way objectionable, without assigning any reason for so doing, and the Concessionaire hereby exonerates the Association from any claim whatsoever in reference to any article or object so refused or removed.

Distinctive Mark.

7. All cases and goods for the Exhibition must bear on two sides the distinctive mark /F/B/E/ together with the name of the Concessionaire and particulars of the Concession, as well as the name of the site or building which the same are intended for, and the title of the Exhibition in full.

Receipt of Goods.

8. No goods or objects of any kind will be received earlier than four weeks before the date fixed for the opening of the Exhibition unless special permission in writing has been obtained from the Association. But all stands, show-cases, etc., must be completely erected in position at least two weeks before the date fixed for the opening of the Exhibition and all articles displayed therein or thereon at least one week before such date.

Removal of Empties.

9. All cases for exhibits not inside of buildings must be unpacked immediately after arrival, and the empty cases and litter removed forthwith by the Concessionaire from the site, building and exhibition grounds, otherwise the Association reserve the right of doing this at the expense of the Concessionaire.

Local and other requirements.

10. All structural or other works, and everything else supplied by the Concessionaire, must at all times be in accordance with the regulations and subject to the approval of the London County Council, and Local and all other authorities.

Alterations.

11. Any constructional work in connection with the Concession is at all times subject to the approval of the Association, and where the Concession is installed in any building no staple or other attachment shall be driven into the floor or wall, nor must the flooring, walls or roof be altered, removed or strengthened, except by the sanction in writing of the Association, and at the expense of the Concessionaire. The flooring of the Exhibition, Palaces, Halls and Buildings is calculated to bear a weight of 1,000 lbs. to the square yard, and no Concession having a greater weight per yard super can be admitted until the special sanction in writing of the Association has been obtained, and whatever alteration to the flooring may be necessary must be made at the expense and risk of the Concessionaire, and all damage caused by such alterations must be made good by the Concessionaire.

Structures subject to Approval.

12. All constructions, fittings, decorations, designs, announcing boards, advertisements, flags and signs, etc., shall be new and subject in all respects to the approval of the Association, who may cause to be removed, or altered, anything they may deem objectionable. Concessionaires must not display advertisements or notices other than those referring to their own Concession.

Dimension of Stands.

12 A. The construction and appearance of all stands and Concessions are at all times subject to the approval of the Association, and where show cases, decorations, counters, platforms, screens, signs, etc., are provided by the Concessionaire must conform to the special regulations of the respective sections. Concessionaires occupying stands with two or more frontages must arrange their display on each frontage, and any bare woodwork or back of signs, etc., must be covered or decorated. No Concessionaire shall display his goods or erect signs or partitions in such a away as to project beyond the space allotted, or obstruct the light or impede the general view in all directions or be detrimental to any other Concession, but must confine his Concession strictly to the limits of the space allotted to him.

Official Contractor.

13. The Association may appoint an official Contractor or Contractors for buildings and erections of every kind, stands, fittings, decorations, and signs, to attend the Exhibition to take orders. No other Contractor will be allowed to solicit orders on the Exhibition premises; Concessionaires, can, however, employ their own contractor or fitter, who will be admitted on their written request, but he must be subject to the rules

and regulations of the Exhibition, and the Concessionaire, shall be responsible for all his work and actions.

Supply of electric current, gas, and water.

14. Provision will be made where practicable at the Concessionaire's expense and risk for the supply of electric power for the Concession to be shown in motion and for the supply of electric current, gas and water, if application is made on the official forms provided for that purpose. Concessionaires must state the approximate amount of electric current, gas or water they may require, and the Concessionaire agrees to pay the Association for all work in connection with the fitting and installation of the electric current, gas or water, so required by him for his Concession at the usual local prices, and further agrees to pay such deposit as may be required to sufficiently cover the expense of all electric current, gas or water which may be consumed. The Concessionaire, his agents or servants are not allowed to interfere in any way with the electric, gas or water fittings or installations, nor is any work connected therewith allowed to be carried on except by persons duly authorised in writing by the Association.

Responsibility for accidents.

15. If any damage or injury shall be caused or occasioned before the opening, during the season, or after the close of the Exhibition, by the Concessionaire or any person employed by him or by any apparatus, or by the erection, installation, use or removal thereof, or by any object connected with the Concession, or belonging to, or under the control of the Concessionaire, to any Visitor or Exhibitor or Concessionaire, or to any Officer, Servant, Employee or Tenant at the Exhibition or to any person whomsoever, or to any object or thing, the Concessionaire shall indemnify and save harmless the Association from and against all damage or injury, and all claims, demands, actions, suits, costs and expenses in repect thereof.

Responsibility for Damage.

16. Every Concession shall be at the sole risk and responsibility of the Concessionaire, and the Association will not be responsible for the safety of any property or for loss or damage occurring from any cause whatsoever, whether by fire, the elements, theft or otherwise, to any Concession or other property belonging to any Concessionaire or any person, and Concessionaires shall insure their property against all risks. No Concessionaire shall do anything to jeopardise the Leases or current Insurances or Licenses of the Association, and they must comply with the requirements of the Association's Fire Insurance Offices, and all other Authorities.

Dangerous articles.

17. No Concessionaire will be allowed to use unprotected lights, or fire or oil in any manner, unless special permission in writing has been first obtained from the Association, which permission may be withdrawn at any time. All fulminating, obnoxious, dangerous and explosive subtances are absolutely forbidden. The Association reserve to themselves the right of examining, testing or having tested anything brought upon or to the premises.

Press views.

18. It is intended to hold a press view seven days before the opening of the Exhibition, and it is essential that all the Concessions shall be ready and that the Concessionaires be present to give information, as much in their own interests as in those of the whole Exhibition.

Space not occupied.

19. Spaces, sites or buildings not occupied three weeks previous to the opening of the Exhibition may be otherwise allotted by the Association, and shall be forfeited by the Concessionaire as well as all payments made in respect thereof, and any balance due by the Concessionaire shall be payable as if the space had been occupied by him.

Receipt of goods.

20. No goods will be allowed to be delievered at, or removed from, the Exhibition grounds during the hours the Exhibition is open to the public, and all cases received during the early hours must be removed before the Exhibition opens each morning.

Charges for admission to Exhibition.

21. It is understood that the Association will make a charge to the public entrance to the Exhibition, and no member of the public shall be admitted to the site, building, or part of a building used by the Concessionaire, except persons who may be so or otherwise authorised to be admitted to the Exhibition by the Association, and the Concessionaire shall not be entitled to any portion of any monies received by the Association for admission to the Exhibition or otherwise, except only in respect to admissions to his, the Concessionaire's, Concession above specified.

22. The Concessionaire shall not, by virtue of any agreement or otherwise, acquire any legal interest or estate in the said site, building, or part of building to be used by said Concessionaire, but shall merely be permitted to use the same for the purpose of the said Concession during the period above mentioned.

No legal interest acquired.

23. Non-transferable passes to the Exhibition will be issued to the Concessionaire and such number of employees as the Association may deem fit. These passes shall be issued on such conditions, and admit at such hours and entrances as may be fixed by the Association from time to time. The passes shall be forfeited and not reissued or replaced, if used by any other person or non-compliance with the conditions and restrictions upon which they were issued.

Admission to the Exhibition.

24. Concessionaires shall not do or suffer to be done any act which may in the judgment of the Association be or grow to be a nuisance or annoyance, or be likely to cause damage or disturbance to the Association, any of their tenants, the public visiting the Exhibition or the occupiers of any adjoining Sites, Stalls, Concessions or property and Concessionaires hereby agree not to tout or solicit the public in any way whatsoever nor permit their agents or employees to do so. The Association shall not be responsible to any Concessionaire for the acts or conduct of any other Concessionaire, nor for the consequences of any breach of these Rules and Regulations by any Concessionaire.

Nuisances.

25. The Concessionaire shall not allow any employee (which expression wherever used herein shall also include attendants assistants and servants) to enter upon duties at the Exhibition unless and until his name and address has been registered in the office of the Association, and he has agreed to abide by the Rules and Regulations of the Exhibition.

Registration of employees.

26. Every employee and other person provided by or in the employ of the Concessionaire must be neatly dressed and at all times courteous and of seemly behaviour; they shall not solicit nor annoy the public or other Concessionaires in any way, and any employee so doing may be expelled from the Exhibition premises by the Association and not allowed to re-enter. The Association also reserve the right to refuse admission or to remove from the Exhibition any person without assigning any reason for so doing. Concessionaires and their employees must leave the Exhibition premises each evening immediately after the close of the Exhibition.

Behaviour of employees.

27. All Concessions, Buildings, Sites, Stalls, etc., must be properly cleaned and open for visitors before the hour of opening each day, and shall remain so during all hours that the Exhibition shall be open to the public, and if this is not done to the satisfaction of the Association the Concessionaire hereby authorises and empowers the Association to do whatever they may deem necessary at the sole risk and expense of the Concessionaire.

Cleanliness.

28. The Concessionaire shall cause all articles left by visitors or others or found by any of his employees, on any part of the Concessions or the Exhibition, to be immediately deposited in such offices or places as the Association may from time to time designate for that purpose.

Lost property.

29. The Association or any person that they may appoint shall at all times have free access and right of entry to all and any part of the space, site or building allotted to the Concessionaire.

Right of entry.

30. No handbills or advertisements of any kind are allowed to be given away or distributed in any manner from the Concession, unless special previous consent in writing has been obtained from the Association, which consent may be withheld or may be withdrawn by the Association at their sole discretion.

Advertisement.

31. No Concessionaire shall cause or allow any article to be sold at or from the site or building or portion thereof occupied by the Concession without first obtaining the written permission of the Association for the sale of such articles, and paying the required fee therefor, which permission may be widhheld, or not granted, or if granted; withdrawn at any time by the Association without any cause or reason being given therefor.

Sale of articles.

32. The Association reserve to themselves the right to enclose any portion or portions of the Exhibition Buildings or Grounds, and to close or make a special charge for admission thereto whilst the Exhibition is open to the public, and Concessionaire shall be entitled to demand any compensation or allowance or claim for damages from the Association by reason of their so doing.

Special charge.

33. Concessionaires must not, without the written consent first obtained from the Association, take down, or alter any part of or parts of the Buildings or Concession, or remove any part thereof.

No unauthorised removal.

34. Concessionaires shall immediately after the closing of the Exhibition or expiration of their Agreement with the Association, or the sooner termination of the same, whichever shall first happen, forthwith withdraw from the said site or building, and in default of such removal the Association may enter and remove from the Exhibition their Concession, all their erections, fittings, decorations and goods whatsoever and everything belonging to them connected therewith, and make good any damage done by them, and all charges incurred for electricity, gas or water, or damage occasioned by the Concessionaire shall be paid before the removal of any of the Concessionaire's goods from the Exhibition; goods, cases, etc., not removed within fourteen days, or such other time as may in writing be allowed by the Association, after the termination of the agreement, will be removed and warehoused at the cost and risk of the Concessionaires, or the Association may at their discretion sell the same by auction or otherwise, and apply the proceeds to defray the expenses incurred by them.

Removal of goods.

35. All goods, accessories, etc., shall be subject to a lien for any amount which may be due to the Association by the Concessionaires, and no goods will be allowed to be removed from the Exhibition until the written consent of the Association has been obtained for such removal.

Lien for payment.

36. No concession or part thereof shall be photographed, drawn, copied or reproduced in any manner without the special permission in writing of the Concessionaire and of the Association, except by Agents authorised by the Association.

Photographs.

37. The Association reserve to themselves the sole right of compiling, producing and publishing catalogues, guides, programmes, souvenirs and other publications, and any announcement or advertisement the Concessionaire may desire can only be made or published through the Association or their authorised publishers and at the established rates.

Catalogues and Guides.

38. All persons and firms becoming Concessionaires declare by so doing their compliance with the whole of these Rules and Regulations, together with such additions or variations as the Association may from time to time find necessary for the good government of the Association.

Further rules.

39. The Association may determine any contract at any time on giving the Concessionaire, or leaving at or upon the site used for his Concession, one week's notice, expiring at any time, and the Concessionaire shall not be entitled to any compensation whatsoever in respect thereof. In case any contract is determined through the Concessionaire or any employee, or any person in any way connected with the said Concessionaire, committing any act which may be objectionable, or which may be contrary to the regulations of the London County Council or other authorities, or which may prejudice any of the licenses or insurances of the Association, or be, or cause, or be likely to be or cause an annoyance to visitors or neighbours, or cause, or be apt to cause disturbance, or by reason of any breach of his agreement with the Association or of these Rules and Regulations, or through fire, war, or force majeure, no repayment or compensation shall be paid by the Association or claimed by the Concessionaire, nor shall any amount paid by the Concessionaire be refunded. Any authorised permission or consent given by the Association may be cancelled or withdrawn at any time by the Association without any cause or reason being given for so doing.

Termination of agreement.

Bankruptcy.

40. In the event of the Concessionaire committing any act of bankruptcy the Contract shall, if the Association so elect, be determined, and all monies due or paid by him under the Contract shall be forfeited and become the absolute property of the Association.

Right to amend Rules.

41. The right to alter, amend, add to, or cancel any of these Rules or Regulations, and to waive or grant relaxation from them in individual cases, is reserved to the Association.

Disputes not provided for.

42. If any question or dispute arises on any matter not provided for in these Rules and Regulations, or between the Concessionaire and his neighbours at the Exhibition, the Association reserve to themselves the right to settle such question or dispute, and the Concessionaires hereby agree that the decision of the Association shall be binding and final.

Arbitration.

43. If at any time hereafter any dispute, doubt or question shall arise between the Association and the Concessionaire touching the construction, meaning or effect of the Concessions, these presents or any clause or thing herein contained, or the rights of liabilities of the said parties under any agreement with the Association, these presents or otherwise howsoever, in relation to the premises, then every such dispute, doubt or question shall be conferred to the arbitration of two disinterested persons, one to be appointed by the Association and the other by the Concessionaire, or an Umpire to be appointed by the Arbitrators in writing or by other lawful means before commencing the business of the reference, and the decision or award of the said Arbitrators or Umpire shall be final and binding on both the parties hereto, and these presents shall be deemed to be a submission to arbitration within the Arbitration Act, 1889, or any statutory modification or re-enactment thereof for the time being in force.

In the event of my application being granted (in whole or in part), I undertake to observe and be bound by the foregoing Regulations of the Indian Section, and of the Franco-British Exhibition, London, 1908.

Signature ______________________________

Address ______________________________

______________________________ Date ____________ 1907.

To the Chairman, Indian Section,
Franco-British Exhibition, 1908.
India Office, London, S. W.

The Secretary to the Government of Madras.
" " " " " Bombay.
" " " " " Bengal
" " " " " the United Provinces.
" " " " " the Punjab.
" " " " " Burma.
" " " " " Eastern Bengal and Assam.
The Hon'ble the Chief Commissioner, Central Provinces.
The Chief Commissioner of Coorg.

ORDERED that the foregoing papers be published in the Supplement to the *Gazette of India*, for general information, and that copies be forwarded to the Local Governments and Administrations named in the margin, for information, with the request that the papers may be published in the Local *Gazette*.

Ordered, also, that a copy be forwarded to the Chief Commissioner of Ajmer-Merwara, and the Honourable the Agent to the Governor-General and Chief Commissioner, North-West Frontier Province, for information, and to the Foreign Department, for information and communication to Native States.

Ordered, also, that a copy be forwarded to all Chambers of Commerce, for information.

W. L. HARVEY,

Secretary to the Government of India.

Punjab Government Press, Lahore—13-12-07—792.

... In the event of the Commissioners exercising ... Commissioners ... if the Association ... determined ... shall be forfeited and become the absolute property of the Association.

42. The right to alter, amend, add to, or cancel any of the foregoing Regulations, and to waive any of the foregoing Regulations in individual cases, is reserved to the Association.

43. If any question or dispute arises on any matter not provided for in these Rules and Regulations, ... Commissioners ... the Association reserve to themselves the right to settle such question or dispute, and the Commissioners hereby agree that the decision of the Association shall be binding and final.

44. If at any time hereafter any dispute, doubt or question shall arise between the Association and the Commissioners ... in relation to ... these presents or any clause or thing herein contained, or the rights of ... the said parties under any agreement with the Association ... every such dispute, doubt or question shall be ... by the Association ... by the Arbitrators ... and the decision or award of the said Arbitrators ... shall be final and binding on both the parties hereto, and these presents shall be deemed to be a submission to arbitration under the Arbitration Act, 1889, or any statutory modification or re-enactment thereof for the time being in force.

In the event of my application being accepted (in whole or in part), I undertake ... and be bound by the foregoing Regulations of the Indian Section, and of the Franco-British Exhibition, London, 1908.

Signature ______________________________

Address ______________________________

Date ______________ 1907.

To the Chairman, Indian Section,

Franco-British Exhibition, 1908,

India Office, London, S. W.

ORDERED that the foregoing papers be published in the Supplement to the *Gazette of India*, for general information, and that copies be forwarded to the Local Governments and Administrations noted in the margin, for information, with the request that the papers may be published in the Local *Gazette*.

The Government of Madras.
" Bombay.
" Bengal.
" the United Provinces.
" the Punjab.
" Burma.
" Eastern Bengal and Assam.
... the Chief Commissioner, Central Provinces.
... Chief Commissioner of Coorg.

ORDERED also, that a copy be forwarded to the Chief Commissioner of Ajmer-Merwara, and the Honourable the Agent to the Governor-General and Chief Commissioner, North-West Frontier Province, for information, and to the Foreign Department for information and communication to Native States.

ORDERED also, that a copy be forwarded to all Chambers of Commerce, for information.

W. L. HARVEY,

Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, DECEMBER 20, 1907.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED DECEMBER 14, 1907.

MILITARY SECRETARY'S OFFICE.

NOTIFICATION.

Viceroy's Camp, the 12th December 1907.

No 2361 *M.*—Intelligence having been received of the death of His Majesty the King of Sweden of the Goths and the Wends, K.G., Court Mourning is ordered for three weeks from the 10th December 1907, Half Mourning commencing from the 24th December 1907.

When attending at the Viceregal Court, Ladies will appear in black until the 23rd December and thereafter in Half Mourning until the 30th December. Officers in Uniform, when attending at the Viceregal Court, will wear a Crape band on the left arm throughout the period of Court Mourning.

By Command,

VICTOR BROOKE, *Lieut.-Colonel,*

Military Secretary to the Viceroy.

HOME DEPARTMENT.

NOTIFICATIONS.

EXAMINATIONS.

Calcutta, the 10th December 1907.

No. 610.—The following memorandum prepared by the Civil Service Commissioners for the information of candidates for the open competitive examination for the Civil Service of India to be held in August 1908 is published for general information in continuation of the Home Department notification No. 410, dated the 10th September 1907:—

MEMORANDUM.

Notice with regard to any Open Competitive Examinations for the Civil Service of India, Clerkships (class I) in the Home Civil Service or Eastern Cadetships in the Colonial Service that may be held in the year 1908, and also for any other competition that may be held in combination therewith.

1. In view of the importance of legible handwriting in the public service, candidates are warned that the provision as to deductions for bad handwriting in these competitions will be strictly enforced.

2. Candidates are warned that full marks cannot be obtained on any paper unless the whole of it is answered, or, in cases where the number of questions to be answered is specified, unless the full number specified is answered.

3. *Modern Languages.*—Paper I will consist of translation from and into the language. In paper II (Language and Literature) candidates will be invited to answer in the foreign language some of the questions, and marks will be allotted for accuracy, facility, and elegance in the composition of these answers. Separate papers in original composition will, if necessary, be set to Foreign Office candidates. Passages for translation may be set, and questions asked, demanding a knowledge of the respective languages in their early stages; but it will not be obligatory upon candidates to master in detail the old forms in use, as regards French, German, or Spanish, before 1500, or as regards Italian, before the time of Dante.

4. *General Modern History.*—Candidates are warned that high marks will not be awarded in this subject unless the text of the prescribed books has been carefully studied by them. Candidates must be prepared to answer questions on historical geography, and to draw sketch maps.

5. *English History.*—The number of marks assigned to the question or questions dealing with the text of the prescribed books will be, both in Period I and in Period II, about one sixth of that assigned to the whole subject. Candidates must be prepared to answer questions on historical geography, and to draw sketch maps.

6. *Greek and Roman History.*—Candidates must be prepared to answer questions on historical geography, and to draw sketch maps.

7. *Political Economy.*—Candidates should pay attention to the study of statistical methods.

8. *Natural Sciences.*—Candidates are warned that the practical examinations carry a large proportion of the marks.

SANITARY.

The 13th December 1907.

No. 2090.—The following letter is published for general information :—

No. R. and S. 3224—07, dated the 5th November 1907.

From—Sir T. W. HOLDERNESS, K.C.S.I., Secretary, Revenue and Statistics Department, India Office, London,

To—The Secretary to the Government of India, Commerce and Industry Department,

I forward, for information, copy of the papers noted in the margin, on the subject of Japanese regulations regarding foreigners suffering from leprosy.

Letter from British Ambassador at Tokio, dated 17th September 1907 (with enclosure).

Copy.
No. 199.
(35561).

TOKIO;

September 17th, 1907.

Sir,

I have the honour to transmit herewith translation of an Imperial Ordinance which appeared in the Official Gazette of the 14th instant respecting the treatment to be accorded to foreigners suffering from leprosy who may wish to land in Japan.

I have, etc.,

CLAUDE M. MACDONALD.

Sir Edward Grey, Bart.,
etc., etc., etc.

Translation.

Imperial Ordinance, No. 294 of September 13th, 1907.

(Published in "Official Gazette" of September 14th.)

If there should be a person suffering from leprosy on board a vessel coming from any foreign port or from Formosa, and should such person be a foreigner, the chief local official shall forbid his landing. But in what are considered unavoidable circumstances a temporary landing may be permitted under conditions.

Supplementary Clause. This Ordinance shall come into force on and from January 1st, 1908.

H. H. RISLEY,

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Calcutta, the 9th December, 1907.

No. 179.—It is hereby notified that subject to the rules and conditions laid down in paragraph 3 of Public Works Department Resolution No. 139-A.E., dated 17th June 1899, published in Notification No. 278, dated 29th June 1899, one vacancy in the Superior Accounts Branch of the Public Works Department will be open to competition at the examination to be held in June 1908 for admission into that branch of the service.

Applications for nominations should be addressed to the Accountant-General, Public Works Department, in accordance with the rules above referred to, not later than the 15th January 1908.

L. M. JACOB,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATION.

COTTON DUTIES.

Calcutta, the 13th December, 1907.

No. 10537—5.—In exercise of the power conferred by section 7 (1) of the Cotton Duties Act, 1896 (II of 1896), and in supersession of the Notification in this Department, No. 10098—11, dated the 21st December 1906, the Governor-General in Council is pleased to fix, for the descriptions of cotton goods hereunder specified, tariff values as follows, with effect from the 1st January 1908:—

Grey goods, plain or bordered.

	Tariff value per lb. a.	p.
1. Bedcovers, bedsheets and chadars, twilled not having borders over ½" ...	8	6
2. Chadars and bedsheets, plain, or having only borders not over ¼" ...	8	6
3. Dangari or Khadi cloth	7	6
4. Dhuties, cholas, dupattas, and lungis, plain, or having only borders not over ¼"	9	0
5. Dhuties, cholas, dupattas, and lungis, plain, or having only borders over ¼" but not over ¾".	9	6
6. Dhuties, cholas, dupattas, and lungis, plain, or having only borders over ¾" but not over 2".	10	6
7. Dhuties and patals with headings over 4" wide and coloured borders ...	9	0
8. Domestics, T. cloths, shirtings, longcloth, sheetings not having borders over ¼"	8	9
9. Drills and jeans, plain	8	6
10. Fents	7	3
11. Printers	8	6
12. Printers (bhagavad)	8	3
13. Shirtings, twilled, unbleached	10	0
14. " " bleached	11	0
15. Tent, sail, commissariat, and double threaded cloth (dosuti)	8	0
16. Zanzibar cloth	8	6

Provided that for calendered grey goods 3 pies shall be added to the above values.

Figured or coloured goods.

	Tariff value per lb. a. p.
17. Bedcovers, quilts, and table-cloths, with borders not over ½"	8 9
18. Bedcovers, quilts, table-cloths, twilled sheets and chadars, coloured warp or weft.	9 6
19. Bedcovers, quilts, table-cloths, twilled sheets and chadars, coloured warp and weft	10 0
20. Bed ticking, plain or drilled	8 9
21. Chadars, twilled, coloured (shawl checks)	10 0
22. " not twilled, coloured, calico wove, shawl pattern	10 0
23. Check gumchas and glass checks	10 0
24. Cholis and saris (coloured)	12 0
25. Cotton tweed, commonly called hunting cloth, plain or striped, including leheria, Thana susi, Thana twill, and Thana check.	10 0
26. Cotton tweeds, others, and English checks, trouserings, and coatings ...	11 0
27. Drills and jeans, striped	9 6
28. " " " checked	10 0
29. " " " dyed	11 0
30. Fancy dobby pattern checks, coloured warp and weft	11 6
31. Fents	8 3
32. Flannel pattern susi and dobby susi, grey weft	10 0
33 " " " " " " " coloured weft	10 9
34. Lungis, coloured	10 9
35. Lungis, unbleached, coloured stripes and borders	9 3
36. Napkins, unbleached	10 0
37. " bleached	11 0
38. Susi check, English, grey ground	11 0
39. " checks, ordinary, grey ground	10 6
40. " " " coloured warp and weft	11 3
41. " checksheets, ordinary, grey ground	10 6
42. " ordinary, coloured stripes, grey ground	9 6
43. " " " weft	10 0
44. Tent cloth, blue and red	9 3
45. " " khaki	10 3
46. Towels, Turkish, unbleached	10 6
47. " " bleached	11 6
48. " " honeycomb, unbleached	8 9
49. " " " bleached	10 0
50. Zephyr cloth	9 9
51. " striped and checked	11 3

Provided that any goods specified in the foregoing lists shall, when woven with borders of silk, be assessed to duty *ad valorem*

W. L. HARVEY,

Secretary to the Government of India.

ARMY DEPARTMENT.

Fort William, the 13th December 1907.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

1st Punjab Volunteer Rifles.

No. 1007.—Captain Thomas Robert Todd resigns his commission. Dated 7th November 1907.

A. W. L. BAYLY,

Secretary to the Government of India.

PUNJAB AND ITS DEPENDENCIES.

Political Department.

NOTIFICATIONS.

GENERAL.

The 3rd December 1907.

No. 534.—In exercise of the powers conferred by sections 5 and 5-A of the Scheduled Districts Act, 1874 (XIV of 1874), and with the previous sanction of the Governor-General in Council, the Lieutenant-Governor is pleased to extend the Bengal Eastern Frontier Regulation, 1873 (V of 1873), to the scheduled district of Spiti, and to declare that the said Regulation shall be read as if for the 'Local Government of Bengal' and the '*Calcutta Gazette*' were substituted 'Local Government of the Punjab' and the '*Punjab Gazette*' and that all references in the Regulation to a district or districts shall be taken to refer to the district of Spiti.

No. 539.—In exercise of the powers conferred by sections 5 and 5-A of the Scheduled Districts Act, 1874 (XIV of 1874), and with the previous sanction of the Governor-General in Council, the Lieutenant-Governor is pleased to extend the Bengal Eastern Frontier Regulation, 1873 (V of 1873) to the scheduled district of Lahaul, and to declare that the said Regulation shall be read as if for the 'Local Government of Bengal' and the '*Calcutta Gazette*' were substituted 'Local Government of the Punjab' and the '*Punjab Gazette*,' and that all references in the Regulation to a district or districts shall be taken to refer to the district of Lahaul.

E. D. MACLAGAN,

Chief Secretary to Government, Punjab.

Punjab Government Press, Lahore—20-12-07—792.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, DECEMBER 27, 1907.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED DECEMBER 21, 1907.

ARMY DEPARTMENT.

Fort William, the 20th December 1907.

PROMOTIONS.

INDIAN SUBORDINATE MEDICAL DEPARTMENT.

ASSISTANT SURGEON BRANCH.

Bengal Establishment.

No. 1025.—The following promotions are made, subject to His Majesty's approval :—

Senior Assistant Surgeon and Honorary Lieutenant William Forrester (*seconded*), to be Senior Assistant Surgeon with the Honorary rank of Captain (*seconded*) ;

* * * * * * * *

First class Assistant Surgeon Robert James Owen (*seconded*), to be Senior Assistant Surgeon with the honorary rank of Lieutenant (*seconded*).

* * * * * * * *

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

1st Punjab Volunteer Rifles.

No. 1042.—Charles Gordon Darroch Farquhar, gentleman, to be Second-Lieutenant to fill an existing vacancy. Dated 23rd November 1907.

Norman Somerville Little, gentleman, to be Second-Lieutenant, *vice* Angelo, promoted. Dated 27th November 1907.

A. W. L. BAYLY,

Secretary to the Government of India.

Punjab Government Press, Lahore—27-12-07—792.

M. 46

Punjab

Gazette

Part IV

1907

INDEX

TO

Punjab Government Gazette

FOR HALF YEAR ENDING

30th June 1907.

PART IV.

Punjab Government Press, Lahore—18-10-07—744.

INDEX

TO

Punjab Government Gazette

FOR HALF YEAR ENDING

31st December 1907.

PART IV.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, MARCH 28, 1907.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of the Governor General on the 15th March, 1907, and is hereby promulgated for general information:—

ACT NO. III OF 1907.

THE PROVINCIAL INSOLVENCY ACT.

CONTENTS.

SECTIONS.

THE SCHEDULE.

ENACTMENTS REPEALED.

An Act to consolidate and amend the Law relating to Insolvency in British India, as administered by Courts having jurisdiction outside the Presidency-towns and the Town of Rangoon.

WHEREAS it is expedient to consolidate and amend the law relating to insolvency in British India as administered by Courts having jurisdiction outside the Presidency-towns and the Town of Rangoon; It is hereby enacted as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Provincial Insolvency Act, 1907.

(*2*) It extends to the whole of British India, except the Scheduled Districts: and

(*3*) It shall come into force on the first day of January 1908.

Definitions.

2. (*1*) In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "available act of insolvency" means any act of insolvency available for an insolvency petition at the date of the presentation of the petition on which the order of adjudication is made:

(*b*) "creditor" includes a decree-holder, "debt" includes a judgment-debt, and "debtor" includes a judgment-debtor:

(*c*) "District Court" means the principal Civil Court of original jurisdiction in any area outside the local limits for the time being of the Presidency-towns and of the Town of Rangoon:

(*d*) "prescribed" means prescribed by rules made under this Act:

(*e*) "property" includes any property over which or the profits of which any person has a disposing power which he may exercise for his own benefit:

(*f*) "secured creditor" includes a landlord who under any enactment for the time being in force has a charge on land for the rent of that land: and

(*g*) "the Court" means the Court exercising jurisdiction under this Act.

XIV of 1882. (*2*) Save as herein otherwise provided, all words and expressions defined in the Code of Civil Procedure shall have the same meanings as those respectively assigned to them in the said Code.

Insolvency jurisdiction.

3. (*1*) The District Courts shall be the Courts having jurisdiction under this Act:

Provided that the Local Government may, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, invest any Court subordinate to a District Court with jurisdiction in any class of cases, and any Court so invested shall within the local limits of its jurisdiction have concurrent jurisdiction with the District Court under this Act.

(*2*) For the purposes of this Act, a Court of Small Causes shall be deemed to be subordinate to the District Court.

Acts of insolvency.

4. A debtor commits an act of insolvency in each of the following cases, namely:—

(*a*) if, in British India or elsewhere, he makes a transfer of his property to a third person for the benefit of his creditors generally;

(*b*) if, in British India or elsewhere, he makes a transfer of his property or of any part thereof with intent to defeat or delay his creditors;

(*c*) if, in British India or elsewhere, he makes any transfer of his property or of any part thereof, or of any interest therein, which would, under this or any other enactment for the time being in force, be void as a fraudulent preference if he were adjudged an insolvent;

(*d*) if, with intent to defeat or delay his creditors,—

(*i*) he departs or remains out of British India,

(*ii*) he departs from his dwelling-house or usual place of business or otherwise absents himself,

(*iii*) he secludes himself so as to deprive his creditors of the means of communicating with him;

(*e*) if any of his property has been sold in execution of the decree of any Court for the payment of money;

(*f*) if he petitions to be adjudged an insolvent under the provisions of this Act;

(*g*) if he gives notice to any of his creditors that he has suspended, or that he is about to suspend, payment of his debts;

(*h*) if he is imprisoned in execution of the decree of any Court for the payment of money.

Explanation.—For the purposes of this section the act of an agent may be the act of the principal.

Petition and adjudication.

5. Subject to the conditions specified in this Act, if a debtor commits an act of insolvency, an insolvency petition may be presented either by a creditor or by the debtor, and the Court may on such petition make an order (hereinafter called an order of adjudication) adjudging him an insolvent.

Explanation.—The presentation of a petition by the debtor shall be deemed an act of insolvency within the meaning of this section, and on such petition the Court may make an order of adjudication.

6. (*1*) Every insolvency petition shall be in writing, and shall be signed and verified in the manner prescribed by the Code of Civil Procedure for signing and verifying plaints, and the procedure laid down by the said Code with respect to the admission of plaints shall, so far as it is applicable, be followed in the case of such petitions.

Presentation and admission of petition.

IV of 1882.

(*2*) Every insolvency petition shall be presented to a Court having jurisdiction under this Act in any local area in which the debtor ordinarily resides or carries on business or personally works for gain, or, if he has been arrested or imprisoned, where he is in custody.

(*3*) The debtor shall not be entitled to present an insolvency petition unless—

(*a*) his debts amount to five hundred rupees; or

(*b*) he has been arrested or imprisoned in execution of the decree of any Court for the payment of money; or

(*c*) an order of attachment in execution of such a decree has been made, and is subsisting, against his property.

(*4*) A creditor shall not be entitled to present an insolvency petition against a debtor unless—

(*a*) the debt owing by the debtor to the creditor, or, if two or more creditors join in the petition, the aggregate amount of debts owing to such creditors, amounts to five hundred rupees, and

(*b*) the debt is a liquidated sum payable either immediately or at some certain future time, and

(*c*) the act of insolvency on which the petition is grounded has occurred within three months before the presentation of the petition.

(*5*) If the petitioning creditor is a secured creditor, he shall in his petition either state that he is willing to relinquish his security for the benefit of the creditors in the event of the debtor being adjudged insolvent or give an estimate of the value of the security. In the latter case he may be admitted as a petitioning creditor to the extent of the balance of the debt due to him after deducting the value so estimated in the same way as if he were an unsecured creditor.

(*6*) No insolvency petition shall be presented against any corporation or against any association or company registered under any enactment for the time being in force.

7. No petition, whether presented by a debtor or by a creditor, shall be withdrawn without the leave of the Court.

Withdrawal of petitions.

8. Where two or more insolvency petitions are presented against the same debtor or where separate petitions are presented against joint debtors, the Court may consolidate the proceedings or any of them, on such terms as the Court thinks fit.

Consolidation of petitions.

9. Where the petitioner does not proceed with due diligence on his petition, the Court may substitute as petitioner any other creditor to whom the debtor may be indebted in the amount required by this Act in the case of a petitioning creditor.

Power to change carriage of proceedings.

10. If a debtor by or against whom an insolvency petition has been presented dies, the proceedings in the matter shall, unless the Court otherwise orders, be continued as if he were alive.

Continuance of proceedings on death of debtor.

11. (*1*) Every insolvency petition presented by a debtor shall contain the following particulars, namely:—

Contents of petition.

(*a*) a statement that the debtor is unable to pay his debts;

(*b*) the place where he ordinarily resides or carries on business or personally works for gain, or, if he has been arrested or imprisoned, the place where he is in custody;

(*c*) the Court (if any) by whose order he has been arrested or imprisoned, or by which an order has been made for the attachment of his property; together with particulars of the decree in respect of which any such order has been made;

(*d*) the amount and particulars of all pecuniary claims against him, together with the names and residences of his creditors so far as they are known to, or can by the exercise of reasonable care and diligence be ascertained by, him;

(*e*) the amount and particulars of all his property, together with—

(*i*) a specification of the value of all such property not consisting of money;

(*ii*) the place or places at which any such property is to be found; and

(*iii*) a declaration of his willingness to place at the disposal of the Court all such property save in so far as it includes such particulars (not being his books of account) as are exempted by the Code of Civil Procedure or by any other enactment for the time being in force from liability to attachment and sale in execution of a decree. IV of 1882.

(*2*) Every insolvency petition presented by a creditor or creditors shall set forth the particulars regarding the debtor specified in clause (*b*) of sub-section (*1*), and shall also specify—

(*a*) the act of insolvency committed by such debtor together with the date of its commission; and

(*b*) the amount and particulars of his or their pecuniary claim or claims against such debtor.

12. (*1*) Where an insolvency petition is admitted, the Court shall make an order fixing a date for hearing the petition.

Procedure on admission of petition.

(*2*) Notice of the order under sub-section (*1*) shall be given to creditors by publication in the local official Gazette, and in such other manner as may be prescribed.

(*3*) Where the debtor is not the petitioner, notice of the order under sub-section (*1*) shall be served on him in the manner provided for the service of summons.

13. At the time of making the order referred to in section 12, sub-section (*1*), or at any subsequent time before adjudication, the Court may, either of its own motion or on the application of any creditor, make one or more of the following orders, namely :—

Interim proceedings against debtor.

(*1*) order the debtor to give reasonable security for his appearance until final orders are made upon the petition, and direct that, in default of giving such security, he shall be detained in the civil prison,

(*2*) order the appointment of an interim receiver of the property of the debtor or of any part thereof,

(*3*) order the attachment by actual seizure of the whole or any part of the property in the possession or under the control of the debtor, other than such particulars (not being his books of account) as are exempted by the Code of Civil Procedure or by any other enactment for the time being in force from liability to attachment and sale in execution of a decree,

XIV of 1882.

(*4*) order a warrant to issue with or without bail for the arrest of the debtor and direct either that he be detained in the civil prison, until the disposal of the petition, or that he be released on such terms as to security as may be reasonable and necessary :

Provided that an order under clause (*2*), clause (*3*) or clause (*4*) shall not be made unless the Court is satisfied that the debtor, with intent to defeat or delay his creditors or to avoid any process of the Court,—

(*i*) has absconded or has departed from the local limits of the jurisdiction of the Court or is about to abscond or to depart from such limits, or is remaining outside them, or

(*ii*) has failed to disclose or has concealed, destroyed, transferred or removed from such limits, or is about to conceal, destroy, transfer or remove from such limits, any documents likely to be of use to his creditors in the course of the hearing, or any part of his property other than such particulars as aforesaid.

14. (*1*) On the day fixed for the hearing of the petition, or on any subsequent day to which the hearing may be adjourned, the Court shall require proof—

Procedure at hearing.

(*a*) that the creditor or the debtor, as the case may be, is entitled to present the petition,

(*b*) that the debtor, if he does not appear on a petition presented by a creditor, has been served with notice of the order referred to in section 12, sub-section (*1*), and

(*c*) that the debtor has committed the act of insolvency alleged against him.

(*2*) The Court shall also examine the debtor, if he is present, as to his conduct, dealings and property in the presence of such creditors as appear at the hearing, and the creditors shall have the right to question the debtor thereon.

(*3*) The Court shall, if sufficient cause is shown, grant time to the debtor or to any creditor to produce any evidence which appears to it to be necessary for the proper disposal of the petition.

(*4*) A memorandum of the substance of the examination of the debtor and of any other oral evidence given shall be made by the Judge and shall form part of the record of the case.

15. (*1*) Where the Court is not satisfied with the proof of the right to present the petition or of the service of notice on the debtor as required by section 12, sub-section (*3*), or of the alleged act of insolvency, or is satisfied by the debtor that he is able to pay his debts or that for any other sufficient cause no order ought to be made, the Court shall dismiss the petition.

Dismissal of petition.

(*2*) Where a petition presented by a creditor is dismissed under sub-section (*1*) and the Court is satisfied that the petition was frivolous or vexatious, the Court may, on the application of the debtor, award against such creditor such amount, not exceeding one thousand rupees, as it deems a reasonable compensation to the debtor for the expense or injury occasioned to him by the petition and the proceedings thereon, and such amount may be realised as if it were a fine.

(*3*) An award under this section shall bar any suit for compensation in respect of such petition and the proceedings thereon.

16. (*1*) Where a petition is not dismissed under the preceding section and the debtor is unable to propose any composition or scheme which shall be accepted by the creditors and approved by the Court in the manner hereinafter provided, the Court shall make an order of adjudication.

Order of adjudication.

(*2*) On the making of an order of adjudication—

(*a*) the whole of the property of the insolvent, save in so far as it includes such

XIV of 1882.

particulars (not being his books of account) as are exempted by the Code of Civil Procedure or by any other enactment for the time being in force from liability to attachment and sale in execution of a decree, shall vest in the Court or in a receiver as hereinafter provided and shall become divisible among the creditors, and

(*b*) the insolvent, if in prison for debt, shall be released ;

and thereafter, except as provided by this Act, no creditor to whom the insolvent is indebted in respect of any debt provable under this Act shall during the pendency of the insolvency proceedings have any remedy against the property or person of the insolvent in respect of the debt or commence any suit or other legal proceeding, except with the leave of the Court and on such terms as the Court may impose.

(*3*) For the purposes of sub-section (*2*), clause (*a*), all goods being, at the date of the presentation of the petition on which the order is made, in the possession, order or disposition of the insolvent in his trade or business, by the consent and permission of the true owner, under such circumstances that he is the reputed owner thereof, shall be deemed to be the property of the insolvent.

(*4*) All such property as may be acquired by or devolve on the insolvent after the date of an order of adjudication and before his discharge shall forthwith vest in the Court or receiver and become divisible among the creditors in accordance with the provisions of sub-section (*2*), clause (*a*).

(*5*) Nothing in this section shall affect the power of any secured creditor to realise or otherwise deal with his security in the same manner as he would have been entitled to realise or deal with it if this section had not been passed.

(*6*) An order of adjudication shall relate back to, and take effect from, the date of the presentation of the petition on which it is made.

(*7*) Notice of an order of adjudication stating the name, address and description of the insolvent, the date of the adjudication and the Court by which the adjudication is made, shall be published in the local official Gazette and in such other manner as may be prescribed.

Power to cancel one of concurrent orders of adjudication.

17. If in any case in which an order of adjudication has been made it shall be proved to the Court by which such order was made that insolvency proceedings are pending in another Court against the same debtor and that the property of the debtor can be more conveniently distributed by such other Court, the Court may rescind the order of adjudication and stay all proceedings or dismiss the petition on such terms (if any) as the Court thinks fit.

Appointment of receiver.

18. (*1*) The Court may, at the time of the order of adjudication, or at any time afterwards, appoint a receiver for the property of the insolvent, and such property shall thereupon vest in such receiver.

(*2*) Subject to such conditions as may be prescribed, the Court may—

(*a*) require the receiver to give such security as it thinks fit duly to account for what he shall receive in respect of the property; and

(*b*) by general or special order, fix the amount to be paid as remuneration for the services of the receiver out of the assets of the insolvent.

(*3*) Where the Court appoints a receiver, it may remove the person in whose possession or custody any such property as aforesaid is, from the possession or custody thereof:

Provided that nothing in this section shall be deemed to authorise the Court to remove from the possession or custody of property any person whom the insolvent has not a present right so to remove.

(*4*) Where a receiver appointed under this section—

(*a*) fails to submit his accounts at such periods and in such form as the Court directs, or

(*b*) fails to pay the balance due from him thereon as the Court directs, or

(*c*) occasions loss to the property by his wilful default or gross negligence,

the Court may direct his property to be attached and sold, and may apply the proceeds to make good any balance found to be due from him or any loss so occasioned by him.

Power to appoint Official Receivers.

19. (*1*) The Local Government may appoint such persons as it thinks fit (to be called "Official Receivers") to be receivers under this Act within such local limits as it may prescribe.

(*2*) Where any Official Receiver has been so appointed for the local limits of the jurisdiction of any Court having jurisdiction under this Act, he shall be the receiver for the purpose of every order appointing a receiver issued by any such Court, unless the Court for special reasons otherwise directs.

(*3*) Any sum payable under section 18, sub-section (*2*), clause (*b*), in respect of the services of an Official Receiver shall be credited to such fund as the Local Government may direct.

(*4*) Every Official Receiver shall receive such remuneration out of the said fund or otherwise as the Local Government may fix in this behalf, and no remuneration whatever beyond that so fixed shall be received by the Official Receiver as such.

Duties and powers of receiver.

20. Subject to the provisions of this Act the receiver shall, with all convenient speed, realise the property of the debtor and distribute dividends among the creditors entitled thereto, and for that purpose may—

(*a*) sell all or any part of the property of the insolvent;

(*b*) give receipts for any money received by him;

and may, by leave of the Court, do all or any of the following things, namely:—

(*c*) carry on the business of the insolvent so far as may be necessary for the beneficial winding up of the same;

(*d*) institute, defend or continue any suit or other legal proceeding relating to the property of the insolvent;

(*e*) employ a pleader or other agent to take any proceedings or do any business which may be sanctioned by the Court;

(*f*) accept as the consideration for the sale of any property of the insolvent a sum of money payable at a future time subject to such stipulations as to security and otherwise as the Court thinks fit;

(*g*) mortgage or pledge any part of the property of the insolvent for the purpose of raising money for the payment of his debts;

(*h*) refer any dispute to arbitration, and compromise all debts, claims and liabilities, on such terms as may be agreed upon;

(*i*) divide in its existing form amongst the creditors, according to its estimated value, any property which, from its peculiar nature or other special circumstances, cannot readily or advantageously be sold.

Special provisions in regard to immoveable property.

XIV of 1882.

21. (*1*) In any local area in which a declaration has been made under section 320 of the Code of Civil Procedure and is in force, no sale of immoveable property paying revenue to the Government or held or let for agricultural purposes shall be made by the receiver; but, after the other property of the insolvent has been realised, the Court shall ascertain—

(*a*) the amount required to satisfy the debts proved under this Act after deducting the monies already received,

(*b*) the immoveable property of the insolvent remaining unsold, and

(*c*) the incumbrances (if any) existing thereon,

and shall forward a statement to the Collector containing the particulars aforesaid; and thereupon the Collector shall proceed to raise the amount so required by the exercise of such of the powers conferred on him by sections 322 to 325 of the said Code as he thinks fit, and subject to the provisions of those sections so far as they are applicable, and shall hold at the disposal of the Court all sums that may come to his hands by the exercise of such powers.

(*2*) Nothing in this Act shall be deemed to affect any provisions of any enactment for the time being in force prohibiting or restricting the execution of decrees or orders against immoveable property; and any such provisions shall be deemed to apply to the enforcement of an order of adjudication made under this Act as if it were such a decree or order.

Appeal to Court against receiver.

22. If the insolvent or any of the creditors or any other person is aggrieved by any act or decision of the receiver, he may apply to the Court, and the Court may confirm, reverse or modify the act or decision complained of and make such order as it thinks just:

Provided that no application under this section shall be entertained after the expiration of twenty-one days from the date of the order or decision complained of.

Powers of Court if no receiver appointed.

23. Where no receiver is appointed, the Court shall have all the rights of, and may exercise all the powers conferred on, a receiver under this Act.

Schedule of creditors.

24. (*1*) All persons alleging themselves to be creditors of the insolvent in respect of debts provable under this Act shall tender proof of their respective debts by producing evidence of the amount and particulars thereof, and the Court shall, by order, determine the persons who have proved themselves to be creditors of the insolvent in respect of such debts, and the amount of such debts, respectively, and shall frame a schedule of such persons and debts:

Provided that, if, in the opinion of the Court, the value of any debt is incapable of being fairly estimated, the Court may make an order to that effect, and thereupon the debt shall not be included in the schedule.

(*2*) A copy of every such schedule shall be posted in the Court-house.

(*3*) Any creditor of the insolvent may, at any time before the discharge of the insolvent, tender proof of his debt and apply to the Court for an order directing his name to be entered in the schedule as a creditor in respect of any debt provable under this Act, and not entered in the schedule, and the Court, after causing notice to be served on the insolvent and the other creditors, and hearing their objections (if any), shall comply with or reject the application.

Mode of proof.

25. (*1*) A debt may be proved under this Act by delivering, or sending by post in a registered letter, to the Court an affidavit verifying the debt.

(*2*) The affidavit shall contain or refer to a statement of account showing the particulars of the debt, and shall specify the vouchers (if any) by which the same can be substantiated. The Court may at any time call for the production of the vouchers.

Disallowance and reduction of entries in schedule.

26. (*1*) Where the receiver thinks that a debt has been improperly entered in the schedule, the Court may, on the application of the receiver and after notice to the creditor, and such inquiry (if any) as the Court thinks necessary, expunge such entry or reduce the amount of the debt.

(*2*) The Court may also, after like inquiry, expunge an entry or reduce the amount of a debt upon the application of a creditor where no receiver has been appointed, or where the receiver declines to interfere in the matter, or, in the case of a composition or scheme, upon the application of the debtor.

Compositions and schemes of arrangement.

27. (*1*) Where a debtor, whether before or after the making of an order of adjudication, submits a proposal for a composition in satisfaction of his debts or a proposal for a scheme of arrangement of his affairs, the Court shall fix a date for the

consideration of the proposal and shall issue a notice to all creditors by publication in the local official Gazette and in such other manner as may be prescribed.

(2) If on the consideration of the proposal a majority in number and three-fourths in value of all the creditors whose debts are proved and who are present in person or by pleader, resolve to accept the proposal, the same shall be deemed to be duly accepted by the creditors.

(3) The debtor may at the meeting amend the terms of his proposal if the amendment is, in the opinion of the Court, calculated to benefit the general body of creditors.

(4) Where the Court is of opinion, after hearing the report of the receiver, if a receiver has been appointed, and after considering any objections which may be made by or on behalf of any creditor, that the terms of the proposal are not reasonable or are not calculated to benefit the general body of creditors, the Court shall refuse to approve the proposal.

(5) If any facts are proved on proof of which the Court would be required either to refuse, suspend or attach conditions to the debtor's discharge, the Court shall refuse to approve the proposal unless it provides reasonable security for payment of not less than six annas in the rupee on all the unsecured debts provable against the debtor's estate.

(6) In any other case the Court may either approve or refuse to approve the proposal.

(7) If the Court approves the proposal, the terms shall be embodied in an order of the Court and the Court shall frame a schedule in accordance with the provisions of section 24, the order of adjudication (if any) shall be annulled and the composition or scheme shall be binding on all the creditors entered in the said schedule so far as relates to any debts entered therein.

(8) If default is made in the payment of any instalment due in pursuance of the composition or scheme, or if it appears to the Court that the composition or scheme cannot proceed without injustice or undue delay or that the approval of the Court was obtained by fraud, the Court may, if it thinks fit, adjudge the debtor insolvent and annul the composition or scheme but without prejudice to the validity of any transfer or payment duly made or of anything duly done under or in pursuance of the composition or scheme. When a debtor is adjudged insolvent under this sub-section, all debts provable in other respects which have been contracted before the date of such adjudication shall be provable in the insolvency.

(9) No composition or scheme shall be approved by the Court which does not provide for the payment in priority to other debts of all debts directed to be so paid in the distribution of the property of an insolvent.

Debts provable under this Act.

28. (1) Save as provided by sub-section (2), all debts and liabilities, present or future, certain or contingent, to which the debtor is subject when he is adjudged an insolvent or to which he may become subject before his discharge by reason of any obligation incurred before the date of such adjudication, shall be deemed to be debts provable under this Act.

(2) Demands in the nature of unliquidated damages arising otherwise than by reason of a contract or breach of trust shall not be provable under this Act.

Debt payable at a future time.

29. A creditor may prove for a debt not payable when the debtor is adjudged an insolvent as if it were payable presently, and may receive dividends equally with the other creditors, deducting therefrom only a rebate of interest at the rate of six per centum per annum computed from the declaration of a dividend to the time when the debt would have become payable, according to the terms on which it was contracted.

Mutual dealings and set-off.

30. Where there have been mutual dealings between an insolvent and a creditor proving or claiming to prove a debt under this Act, an account shall be taken of what is due from the one party to the other in respect of such mutual dealings, and the sum due from the one party shall be set off against any sum due from the other party, and the balance of the account, and no more, shall be claimed or paid on either side respectively.

Secured creditors.

31. (1) Where a secured creditor realises his security, he may prove for the balance due to him, after deducting the net amount realised.

(2) Where a secured creditor relinquishes his security for the general benefit of the creditors, he may prove for his whole debt.

(3) Where a secured creditor does not either realise or relinquish his security, he shall, before being entitled to have his debt entered in the schedule, state in his proof the particulars of his security, and the value at which he assesses it, and shall be entitled to receive a dividend only in respect of the balance due to him after deducting the value so assessed.

(4) Where a security is so valued, the Court may at any time before realisation redeem it on payment to the creditor of the assessed value.

(5) Where a creditor, after having valued his security, subsequently realises it, the net amount realised shall be substituted for the amount of any valuation previously made by the creditor and shall be treated in all respects as an amended valuation made by the creditor.

(6) Where a secured creditor does not comply with the provisions of this section, he shall be excluded from all share in any dividend.

Interest.

32. (1) On any debt or sum certain whereon interest is not reserved or agreed for, and which is overdue when the debtor is adjudged an insolvent, and which is provable under this Act, the creditor may prove for interest at a rate not exceeding six per centum per annum,—

(a) if the debt or sum is payable by virtue of a written instrument at a certain

time, from the time when such debt or sum was payable to the date of such adjudication; or,

(*b*) if the debt or sum is payable otherwise, from the time when a demand in writing has been made giving the debtor notice that interest will be claimed from the date of the demand until the time of payment to the date of such adjudication.

(*2*) Where a debt which has been proved under this Act includes interest or any pecuniary consideration in lieu of interest, the interest or consideration shall, for the purposes of dividend, be calculated at a rate not exceeding six per centum per annum, without prejudice to the right of a creditor to receive out of the debtor's estate any higher rate of interest to which he may be entitled after all the debts proved have been paid in full.

Priority of debts.

33. (*1*) In the distribution of the property of the insolvent there shall be paid in priority to all other debts—

(*a*) all debts due to the Crown or to any local authority; and

(*b*) all salary or wages, not exceeding twenty rupees in all, of any clerk, servant or labourer in respect of services rendered to the insolvent during four months before the date of the presentation of the petition.

(*2*) The debts specified in sub-section (*1*) shall rank equally between themselves, and shall be paid in full, unless the property of the insolvent is insufficient to meet them, in which case they shall abate in equal proportions between themselves.

(*3*) Subject to the retention of such sums as may be necessary for the expenses of administration or otherwise, the debts specified in subsection (*1*) shall be discharged forthwith in so far as the property of the insolvent is sufficient to meet them.

(*4*) In the case of partners the partnership property shall be applicable in the first instance in payment of the partnership debts, and the separate property of each partner shall be applicable in the first instance in payment of his separate debts. Where there is a surplus of the separate property of the partners, it shall be dealt with as part of the partnership property; and, where there is a surplus of the partnership property, it shall be dealt with as part of the respective separate property in proportion to the rights and interests of each partner in the partnership property.

(*5*) Subject to the provisions of this Act, all debts entered in the schedule shall be paid rateably according to the amounts of such debts respectively and without any preference.

(*6*) Where there is any surplus after payment of the foregoing debts, it shall be applied in payment of interest from the date on which the debtor is adjudged an insolvent at the rate of six per centum per annum on all debts entered in the schedule.

Restriction of rights of creditor under execution.

34. (*1*) Where execution of a decree has issued against the property of a debtor, no person shall be entitled to the benefit of the execution against the receiver except in respect of assets realised in the course of the execution by sale or otherwise before the date of the order of adjudication.

(*2*) Nothing in this section shall affect the rights of a secured creditor in respect of the property against which the decree is executed.

(*3*) A person who in good faith purchases the property of a debtor under a sale in execution shall in all cases acquire a good title to it against the receiver.

Duties of Court executing decree as to property taken in execution.

35. Where execution of a decree has issued against any property of a debtor which is saleable in execution and before the sale thereof notice is given to the Court executing the decree that an order of adjudication has been made against the debtor, the Court shall, on application, direct the property, if in the possession of the Court, to be delivered to the receiver, but the costs of the execution shall be a first charge on the property so delivered, and the receiver may sell the property or an adequate part thereof for the purpose of satisfying the charge.

Avoidance of voluntary transfer.

36. Any transfer of property not being a transfer made before and in consideration of marriage or made in favour of a purchaser or incumbrancer in good faith and for valuable consideration shall, if the transferor is adjudged insolvent within two years after the date of the transfer, be void against the receiver and may be annulled by the Court.

Avoidance of preference in certain cases.

37. (*1*) Every transfer of property or of any interest therein, every payment made, every obligation incurred, and every judicial proceeding taken or suffered by any person unable to pay his debts as they become due from his own money in favour of any creditor, with a view of giving that creditor a preference over the other creditors, shall, if such person is adjudged insolvent on a petition presented within three months after the date thereof, be deemed fraudulent and void as against the receiver and shall be annulled by the Court.

(*2*) This section shall not affect the rights of any person who in good faith and for valuable consideration has acquired a title through or under a creditor of the insolvent

Protection of *bonâ fide* transactions.

38. Subject to the foregoing provisions of this Act with respect to the effect of insolvency on an execution and with respect to the avoidance of certain transfers and preferences, nothing in this Act shall invalidate in the case of an insolvency—

(*a*) any payment by the insolvent to any of his creditors;

(*b*) any payment or delivery to the insolvent;

(*c*) any transfer by the insolvent for valuable consideration; or

(*d*) any contract or dealing by or with the insolvent for valuable consideration:

Provided that any such transaction takes place before the date of the order of adjudication.

39. (*1*) In the calculation of dividends, the receiver shall retain in his hands sufficient assets to meet—

Dividends.

(*a*) debts provable under this Act and appearing, from the insolvent's statements or otherwise, to be due to persons resident in places so distant that in the ordinary course of communication they have not had sufficient time to tender their proofs;

(*b*) debts provable under this Act, the subject of claims not yet determined;

(*c*) disputed proofs or claims; and

(*d*) the expenses necessary for the administration of the estate or otherwise.

(*2*) Subject to the provisions of sub-section (*1*), all money in hand shall be distributed as dividends.

(*3*) Any creditor who has not proved his debt before the declaration of any dividend or dividends, shall be entitled to be paid, out of any money for the time being in the hands of the receiver, any dividend or dividends which he may have failed to receive before that money is applied to the payment of any future dividend or dividends; but he shall not be entitled to disturb the distribution of any dividend declared before his debt was proved by reason that he has not participated therein.

(*4*) When the receiver has realised all the property of the insolvent or so much thereof as can in the opinion of the Court be realised without needlessly protracting the receivership, he shall declare a final dividend; but before so doing he shall give notice in manner prescribed to the persons whose claims to be creditors have been notified but not proved, that if they do not prove their claims within the time limited by the notice he will proceed to make a final dividend without regard to their claims. After the expiration of the time so limited, or if the Court on application by any such claimant grants him further time for establishing his claim then on the expiration of such further time, the property of the insolvent shall be divided among the creditors entered in the schedule without regard to the claims of any other persons.

(*5*) No suit for a dividend shall lie against the receiver; but, where the receiver refuses to pay any dividend, the Court may, on the application of any creditor who is entered in the schedule, order him to pay it, and also to pay out of his own money interest thereon for the time that it is withheld, and the costs of the application.

40. (*1*) The Court may appoint the insolvent himself to superintend the management of the property of the insolvent or of any part thereof, or to carry on the trade (if any) of the insolvent for the benefit of the creditors, and in any other respect to aid in administering the property in such manner and on such terms as the Court may direct.

Management by and allowance to insolvent.

(*2*) The Court may, from time to time, make such allowance as it may think just to the insolvent out of his property for the support of himself and his family, or in consideration of his services if he is engaged in winding up his estate; but any such allowance may, at any time, be varied or determined by the Court.

41. The insolvent shall be entitled to any surplus remaining after payment in full of his creditors, with interest as provided by this Act, and of the expenses of the proceedings taken thereunder.

Right of insolvent to surplus.

42. (*1*) Where, in the opinion of the Court, a debtor ought not to have been adjudged insolvent, or where it is proved to the satisfaction of the Court that the debts of the insolvent have been paid in full, or where a composition or scheme has been approved by the Court under section 27, the Court shall, on the application of the debtor or of any other person interested, by order in writing, annul the adjudication.

Power to annul adjudication of insolvency.

(*2*) Where an adjudication is annulled under sub-section (*1*), all sales and dispositions of property and payments duly made, and all acts theretofore done, by the Court or receiver shall be valid; but, subject as aforesaid, the property of the debtor who was adjudged insolvent shall vest in such person as the Court may appoint, or, in default of any such appointment, shall revert to the debtor to the extent of his right or interest therein on such conditions (if any) as the Court may, by order in writing, declare.

(*3*) Notice of every order annulling an adjudication shall be published in the local official Gazette and in such other manner as may be prescribed.

43. (*1*) Every debtor, whether before or after the making of an order of adjudication, shall produce all books of account, give such inventories of his property, and such lists of his creditors and debtors and of the debts due to and from them respectively, submit to such examination in respect of his property or his creditors, attend at such times before the Court or receiver, execute such instruments, and generally give such aid in the realisation of his property and the distribution of the proceeds amongst his creditors, as may be required by the Court or receiver, or as may be prescribed.

Duties of debtors.

(*2*) If a debtor, whether before or after the making of an order of adjudication,—

(*a*) wilfully makes false entries in the inventories or lists referred to in sub-section (*1*), or

(*b*) fraudulently or vexatiously conceals, destroys, transfers, removes or refuses to produce any property or books of account, or

(*c*) commits any other act of bad faith in the performance of the duties imposed on him by this section,

the Court may sentence him, by order in writing, to simple imprisonment for a term which may extend to one year; and in every such case the Court shall record the facts constituting the offence with the statement (if any) made by the debtor.

44. (*1*) A debtor may, at any time after the order of adjudication, apply to the Court for an order of discharge; and the Court shall fix a day, notice whereof shall be given by publication in the local official Gazette and in such other manner as may be prescribed, for hearing such application, and any objections which may be made thereto.

Discharge.

(*2*) Subject to the provisions of this section, the Court may, after considering the objections of any creditor and, where a receiver has been appointed, the report of the receiver,—

(*a*) grant or refuse an absolute order of discharge; or

(*b*) suspend the operation of the order for a specified time; or

(*c*) grant an order of discharge subject to any conditions with respect to any earnings or income which may afterwards become due to the insolvent, or with respect to his after-acquired property.

(*3*) The Court shall refuse to grant an absolute order of discharge on proof of any of following facts, namely:—

(*a*) that the insolvent's assets are not of a value equal to eight annas in the rupee on the amount of his unsecured liabilities, unless he satisfies the Court that the fact that the assets are not of a value equal to eight annas in the rupee on the amount of his unsecured liabilities has arisen from circumstances for which he cannot justly be held responsible;

(*b*) that the insolvent has omitted to keep such books of account as are usual and proper in the business carried on by him and as sufficiently disclose his business transactions and financial position within the three years immediately preceding his insolvency;

(*c*) that the insolvent has continued to trade after knowing himself to be insolvent;

(*d*) that the insolvent has contracted any debt provable under this Act without having at the time of contracting it any reasonable or probable ground of expectation (the burden of proving which shall lie on him) that he would be able to pay it;

(*e*) that the insolvent has failed to account satisfactorily for any loss of assets or for any deficiency of assets to meet his liabilities;

(*f*) that the insolvent has brought on, or contributed to, his insolvency by rash and hazardous speculations, or by unjustifiable extravagance in living, or by gambling, or by culpable neglect of his business affairs;

(*g*) that the insolvent has, within three months preceding the date of the presentation of the petition, when unable to pay his debts as they become due, given an undue preference to any of his creditors;

(*h*) that the insolvent has on any previous occasion been adjudged an insolvent or made a composition or arrangement with his creditors;

(*i*) that the insolvent has concealed or removed his property or any part thereof, or has been guilty of any other fraud or fraudulent breach of trust.

(*4*) For the purposes of this section, the report of the receiver shall be deemed to be evidence; and the Court may presume the correctness of any statement contained therein.

(*5*) The powers of suspending, and of attaching conditions to, an insolvent's discharge may be exercised concurrently.

45. (*1*) An order of discharge shall not release the insolvent from—

Effect of order of discharge.

(*a*) any debt due to the Crown;

(*b*) any debt or liability incurred by means of any fraud or fraudulent breach of trust to which he was a party; or

(*c*) any debt or liability in respect of which he has obtained forbearance by any fraud to which he was a party.

(*2*) Save as otherwise provided by sub-section (*1*), an order of discharge shall release the insolvent from all debts entered in the schedule.

(*3*) An order of discharge shall not release any person who, at the date of the presentation of the petition, was a partner or co-trustee with the insolvent, or was jointly bound or had made any joint contract with him or any person who was surety for him.

46. (*1*) Any person aggrieved by an order made in the exercise of insolvency jurisdiction by a Court subordinate to a District Court may appeal to the District Court, and the order of the District Court upon such appeal shall be final:

Appeals.

Provided that the High Court, for the purpose of satisfying itself that an order made in any appeal decided by the District Court was according to law, may call for the case and pass such order with respect thereto as it thinks fit.

(*2*) Any person aggrieved by an order made by the District Court under section 15, 16, 24, 26, 36, 37, 42, 43, sub-section (*2*), or 44 otherwise than in appeal from an order made by a subordinate Court may appeal to the High Court.

(*3*) Any person aggrieved by any other order made by a District Court otherwise than in appeal from an order made by a subordinate Court may appeal to the High Court by leave of the District Court or of the High Court.

(*4*) The periods of limitation for appeals to the District Court and to the High Court under this section shall be thirty days and ninety days respectively.

47. (*1*) Subject to the provisions of this Act, the Court, in regard to proceedings under this Act, shall have the same powers and shall follow the same procedure as it has and follows in the exercise of original civil jurisdiction.

General powers of Courts.

(*2*) Subject as aforesaid, High Courts and District Courts, in regard to proceedings under this Act in Courts subordinate to them, shall have the same powers and shall follow the same procedure as they respectively have and follow in regard to civil suits.

48. When a petition is presented by or against a debtor, if the Court is satisfied by affidavit or otherwise that the property of the debtor is not likely to exceed in value five hundred rupees, the Court may make an order that the debtor's estate be administered in a summary manner, and thereupon—

Summary administration.

(*a*) the estate shall, where practicable, be distributed in a single dividend,

(*b*) the provisions of this Act shall be subject to such other modifications as may be prescribed with the view of saving expense and simplifying procedure:

Provided that nothing in this section shall permit the modification of the provisions of this Act relating to the examination or discharge of the debtor.

49. The costs of any proceeding under this Act, including the costs of maintaining a debtor in the civil prison, shall, subject to any rules made under this Act, be in the discretion of the Court in which the proceeding is had.

Costs.

50. All Courts having jurisdiction in insolvency and the officers of such Courts respectively shall severally act in aid of and be auxiliary to each other in all matters of insolvency, and an order of a Court seeking aid with a request to another of the said Courts shall be deemed sufficient to enable the latter Court to exercise, in regard to the matters directed by the order, such jurisdiction as either of such Courts could exercise in regard to similar matters within their respective jurisdictions.

Courts to be auxiliary to each other.

51. (*1*) The High Court may, with the previous sanction, in the case of the High Court of Judicature at Fort William in Bengal, of the Governor General in Council, and, in the case of any other High Court, of the Local Government, make rules for carrying into effect the provisions of this Act.

Power to make rules.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide—

(*a*) for the appointment and remuneration of receivers (other than Official Receivers), the audit of the accounts of all receivers and the costs of such audit,

(*b*) for meetings of creditors, and

(*c*) for the procedure to be followed in the case of estates to be administered in a summary manner.

(*3*) All rules made under this section shall be published in the Gazette of India or in the local official Gazette, as the case may be, and shall, on such publication, have effect as if enacted in this Act.

52. (*1*) The High Court, with the like sanction, may from time to time direct that, in any matters in respect of which jurisdiction is given to the Court by this Act, the Official Receiver shall, subject to the directions of the Court, have all or any of the following powers, namely:—

Delegation of powers to Official Receivers.

(*a*) to hear insolvency petitions, to examine the debtor and to make orders of adjudication;

(*b*) to frame schedules and to admit or reject proofs of creditors;

(*c*) to grant orders of discharge;

(*d*) to approve compositions or schemes of arrangement;

(*e*) to make interim orders in any case of urgency;

(*f*) to hear and determine any unopposed or *ex parte* application.

(*2*) Subject to the appeal to the Court provided for by section 22, any order made or act done by the Official Receiver in the exercise of the said powers shall be deemed the order or act of the Court.

53. (*1*) An undischarged insolvent obtaining credit to the extent of fifty rupees or upwards from any person without informing such person that he is an undischarged insolvent shall, on conviction by a Magistrate, be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

Undischarged insolvent obtaining credit.

(*2*) Where the Court has reason to believe that an undischarged insolvent has committed the offence referred to in sub-section (*1*), the Court, after making any preliminary inquiry that may be necessary, may send the case for trial to the nearest Magistrate of the first class, and may send the accused in custody or take sufficient security for his appearance before such Magistrate; and may bind over any person to appear and give evidence on such trial.

54. Any Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, declare that the following provisions or any of them shall not apply to insolvency proceedings in any Court or Courts having jurisdiction under this Act in any part of the territories administered by such Local Government, namely:—

Power of Local Government to bar application of certain provisions to certain Courts.

section 15, sub-sections (*2*) and (*3*),

section 16, sub-section (*3*),

sections 25 to 40 (except sub-section (*1*), clause (*a*), and sub-section (*4*) of section 33),

section 44, sub-sections (*3*) and (*4*), and

section 53.

Savings. **55.** Nothing in this Act shall—

11 and 12 Vict., c. 21. (*a*) affect the Indian Insolvency Act, 1848, or section 8 of the Lower Burma Courts Act, 1900, or
VI of 1900.

(*b*) apply to cases to which Chapter IV of the Dekkhan Agriculturists' Relief Act, 1879, is applicable.
XVII of 1879.

Repeals. **56.** (*1*) The enactments mentioned in the Schedule are hereby repealed to the extent specified in the fourth column thereof.

(*2*) Where in any enactment or instrument in force at the date of the commencement of this Act reference is made to Chapter XX (OF INSOLVENT JUDGMENT-DEBTORS) of the Code of Civil Procedure, 1877, or of the Code of Civil Procedure, 1882, or to any section of either of those Chapters, such reference shall, so far as may be practicable, be construed as applying to this Act or to the corresponding section thereof.
X of 1877.
XIV of 1882.

THE SCHEDULE.

ENACTMENTS REPEALED.

(*See section 56.*)

Year.	No.	Short title.	Extent of repeal.
1872	IV	The Punjab Laws Act, 1872.	Sections 22 to 32.
1877	XV	The Indian Limitation Act, 1877.	No. 174 of the Second Schedule.
1882	XIV	The Code of Civil Procedure.	Section 341, clause (*e*), and Chapter XX (sections 344 to 360A).
1888	VII	The Civil Procedure Code Amendment Act, 1888.	Section 31.

J. M. MACPHERSON,
Secretary to the Government of India.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, APRIL 4, 1907.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of the Governor General on the 20th March 1907, and is hereby promulgated for general information —

ACT NO. IV OF 1907.

An Act to repeal and amend certain Enactments relating to abolished rates and cesses.

WHEREAS certain rates and cesses leviable in the territories specified in the Schedule have been abolished and it is therefore expedient to repeal or amend the enactments specified in the said Schedule; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Repealing and Amending (Rates and Cesses) Act, 1907.

Enactments in Schedule repealed or modified.

2. The enactments specified in the Schedule shall be repealed or modified to the extent and in the manner mentioned in the third column thereof.

THE SCHEDULE.

Number, year and short title.	Sections.	Extent of repeal or modification.
A.—The Presidency of Madras.		
Madras Act IV of 1893 (The Madras Village Cess Act, 1893).	...	The whole Act to be repealed.
Madras Act III of 1895 (The Madras Hereditary Village-offices Act, 1895).	3	For clause (1) the following to be substituted :— "(1) hereditary village offices existing in ryotwari villages or inam villages which for the purpose of village administration are grouped with ryotwari villages and belonging to the following six classes, by whatever designation they may be locally known, namely :— (i) village-munsifs, (ii) potels, monigars and peddakapus, (iii) karnams, (iv) nirgantis, (v) vettis, totis and fandalgars, (vi) talayaris. The Local Government shall have power to decide what officers come under any of the above classes."

THE SCHEDULE—*contd.*

Number, year and short title.	Sections.	Extent of repeal or modification.
Madras Act III of 1895—*contd.*	6	In sub-section (*1*), for the words "In any local area in which the Madras Village-cess Act, 1893, is in force" the words "In any local area in which this Act is in force" to be substituted; and for the words "to which the said Act applies" the words "of the classes defined in section 3, clause (*1*), of this Act" to be substituted. In sub-section (*2*), for the words "in any village in which the Madras Village-cess Act, 1893, is in force" the words "in any ryotwari village or in any inam village which for the purpose of village administration is grouped with a ryotwari village," to be substituted.
	20	In clause (ix) the words "the Madras Village-cess Act, 1893," to be omitted.

B.—The Presidency of Bombay.

Number, year and short title.	Sections.	Extent of repeal or modification.
Bombay Act IV of 1881 (The Sindh Village-officers Act, 1881).	6	The whole section to be repealed.
Bombay Act II of 1888 (*An Act to amend the Sindh Village-officers Act, 1881*).	3	The whole section to be repealed.
Bombay Act II of 1898 (*An Act to amend the Sindh Village-officers Act, 1881, as amended by Bombay Act II of 1888*).	2 and 3	The whole of both sections to be repealed.

C.—The Lieutenant-Governorship of Bengal.

Number, year and short title.	Sections.	Extent of repeal or modification.
Bengal Act VIII of 1862 (The Bengal Zamindari Dâk Act, 1862).	...	The whole Act to be repealed.
Bengal Act I of 1895 (The Public Demands Recovery Act, 1895).	7	In clause (*d*) of sub-section (*1*) the words, figures and brackets "section 9 of Bengal Act 8 of 1862 (*an Act to improve the system of Zamindari Dâks in the Provinces subject to the Government of Bengal*) or" to be omitted.

THE SCHEDULE—*contd.*

Number, year and short title.	Sections.	Extent of repeal or modification.
Regulation III of 1872 (The Sonthal Parganas Settlement Regulation).	The Schedule.	The third entry in Part III to be omitted.

D.—The Lieutenant-Governorship of the Punjab and the Chief Commissionership of the North-West Frontier Province.

Number, year and short title.	Sections.	Extent of repeal or modification.
Act XVII of 1887 (The Punjab Land-revenue Act, 1887).	29	In sub-section (*1*) for the words "one anna" the words "half an anna" to be substituted, and for the words "village-officers" where they occur after the word "remunerating" the words "headmen and chief headmen" to be substituted.

E.—The Chief Commissionership of the Central Provinces.

Number, year and short title.	Sections.	Extent of repeal or modification.
Act X of 1878 (The Central Provinces Additional Rates Act, 1878).	...	The whole Act to be repealed.
Act XVII 1878 (The Northern India Ferries Act, 1878).	17	For sub-clause (ii) of clause (*c*) the following to be substituted:— "(ii) be applied to any local works likely to promote the public health, comfort or convenience."
Act XVIII of 1881 (The Central Provinces Land-revenue Act, 1881).	77	In clause (*a*) the word "patwari" to be omitted.
	138	In clause (*b*) the word "patwaris" to be omitted.
	141	In clause (*a*) the words "village-patwari and" to be omitted.
	143A	In clause (*c*) the words "patwari and" to be omitted; and for the words "they are" the words "he is" to be substituted.
	146A	The whole section to be repealed.

F.—The Chief Commissionership of Coorg.

Number, year and short title.	Sections.	Extent of repeal or modification.
Regulation I of 1899 (The Coorg Land Rnd Revenue egul a t i o n, 1899.)	24	The whole of sub-section (*2*) to be repealed.
	25 and 26	The whole of both sections to be repealed.

THE SCHEDULE—*contd.*

Number, year and short title.	Sections.	Extent of repeal or modification.
Regulation I of 1899—*contd.*	115	he words " including the village-officers' cess " to be omitted.
	119	The words " or paid out of the proceeds of the village-officers' cess " to be omitted.
	145	In clause (xvi) the words " or arising out of the liability of an assignee to pay out of assigned land-revenue or of a person who would be liable for land-revenue, if it had not been released, compounded for or redeemed, to pay on the land-revenue for which he would but for such release, composition or redemption be liable,

THE SCHEDULE—*concld.*

Number, year and short title.	Section.	Extent of repeal or modification.
		such a percentage for the remuneration of a village-officer as may be prescribed by rules for the time being in force under this Regulation " to be omitted.

G.—The Chief Commissionership of Ajmer-Merwara.

Regulation III of 1895 (The Ajmer Patwari Regulation, 1895).	...	The whole Regulation to be repealed.

J. M. MACPHERSON,
Secretary to the Government of India.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, SEPTEMBER 27, 1907.

PART IV.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 23.

THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTME

The followi g Bill was introduced in the Council of the Governor General of India for the purpose of making Laws aud Regulations on the 6th September 1907 :—

No. 2 OF 1907.

THE CODE OF CIVIL PROCEDURE BILL.

CONTENTS.

PRELIMINARY.

CLAUSES.

CLAUSES.

SUMMONS AND DISCOVERY.

JUDGMENT AND DECREE.

INTEREST.

COSTS.

PART II.
EXECUTION.

General.

Courts by which decrees may be executed.

Questions to be determined by Court executing decree.

Limitation of time for execution.

Transferees and legal representatives.

CLAUSES.

Procedure in execution.

Arrest and detention.

Attachment.

Sale.

Delegation to Collector of power to execute decrees against immoveable property.

Distribution of assets.

Resistance to execution.

CLAUSES.

PART III.

INCIDENTAL PROCEEDINGS.

COMMISSIONS.

PART IV.

SUITS IN PARTICULAR CASES.

SUITS BY OR AGAINST THE GOVERNMENT OR PUBLIC OFFICERS IN THEIR OFFICIAL CAPACITY.

SUITS BY ALIENS AND BY OR AGAINST FOREIGN AND NATIVE RULERS.

INTERPLEADER.

PART V.

SPECIAL PROCEEDINGS.

ARBITRATION.

SPECIAL CASE.

SUITS RELATING TO PUBLIC MATTERS.

CLAUSES.

PART VI.

SUPPLEMENTAL PROCEEDINGS.

PART VII.

APPEALS.

APPEALS FROM ORIGINAL DECREES.

APPEALS FROM APPELLATE DECREES.

APPEALS FROM ORDERS.

GENERAL PROVISIONS RELATING TO APPEALS.

APPEALS TO THE KING IN COUNCIL.

PART VIII.

REFERENCE, REVIEW AND REVISION.

CLAUSES.

PART IX.

SPECIAL PROVISIONS RELATING TO THE CHARTERED HIGH COURTS.

[631.] 116. Part to apply only to certain High Courts.
[632.] 117. Application of Code to High Courts.
[634.] 118. Power to order execution of decree before ascertainment of costs, and execution for costs subsequently.
[635.] 119. Unauthorized persons not to address Court.
[638, 639.] 120. Provisions not applying to High Court in original civil jurisdiction.
Code not to affect High Court in exercise of insolvent jurisdiction.

PART X.

RULES.

[New.] 121. Effect of rules in First Schedule.
[New.] 122. Power to make rules.
[New.] 123. Constitution of Rule Committees in certain Provinces.
[New.] 124. Committee to report to High Court.
[New.] 125. Powers of certain High Courts.
[New.] 126. Rules subject to sanction.
[New.] 127. Publication of rules.
[O. 3, r. 6.] 128. Matters for which rules may provide.
[652, third para.] 129. Power of Chartered High Courts to make rules as to their own original civil procedure.
[652, second para.] 130. Power of certain High Courts to make rules as to matters other than procedure.
[652, fourth para.] 131. Sanctioning and publication of rules.

PART XI.

MISCELLANEOUS.

[640.] 132. Exemption of certain women from personal appearance.

CLAUSES.

133. Local Government may exempt certain persons from personal appearance. [641.]
Lists of names of persons exempted to be kept in Courts.
Costs of commission rendered necessary by claiming privilege.
134. Persons exempt from arrest under civil process. [642.]
135. Language of subordinate Courts. [645.]
136. Power for Local Government to require evidence to be recorded in English. [185A.]
137. Oath on affidavit by whom to be administered. [197.]
138. Assessors in causes of salvage, etc. [645A.]
139. Miscellaneous proceedings. [647.]
140. Application for restitution. [583.]
141. Procedure when person to be arrested or property to be attached is outside district. [648.]
142. Enforcement of liability of surety. [253.]
143. Proceedings by or against representatives. [New.]
144. Consent or agreement by persons under disability. [New.]
145. Enlargement of time. [New.]
146. Power to make up deficiency of court-fees. [New.]
147. Transfer of business. [New.]
148. Saving of inherent power of Court to make orders necessary for ends of justice or prevent abuse of procedure. [New.]
149. Amendment of judgments, decrees and orders. [O. 28, r. 11.]
150. General power to amend. [O. 28, r. 12.]
151. Saving of present right of appeal. [3, third para.]
152. Amendment of certain Acts. [New.]
153. Repeals. [3, first sentence.]
154. Continuance of orders under repealed enactments. [3, second sentence.]
155. Reference to Code of Civil Procedure and other repealed enactments. [3, second para.]

The Code of Civil Procedure Bill.

(*Preliminary.—Clause 2.*)

[The bracketted marginal references relate to "sections" of Code of Civil Procedure (Act XIV of 1882.]

A Bill to consolidate and amend the laws relating to the Procedure of the Courts of Civil Judicature.

WHEREAS it is expedient to consolidate and amend the laws relating to the procedure of the Courts of Civil Judicature; It is hereby enacted as follows:—

PRELIMINARY.

[S. 1.] Short title, commencement and extent. **1.** (*1*) This Act may be cited as the Code of Civil Procedure.

(*2*) It shall come into force on the first day of 190 ; and

(*3*) This section and sections 152 to 155 extend to the whole of British India: the other sections extend to the whole of British India except the Scheduled Districts.

[S. 2.] Definitions. **2.** In this *Act*, unless there *is anything* repugnant in the subject or context,—

(*1*) "*Code*" *includes rules:*

(*2*) "decree" means the formal expression of an adjudication *which*, so far as regards the Court expressing it, *conclusively determines the rights of the parties with regard to all or any of the matters in controversy in* the suit *and may be either preliminary or final.* It shall be deemed to include the rejection of a plaint and *the* determin*ation of* any question *within* section 47 *or section 140, but shall not include—*

(*a*) *any adjudication from which an appeal lies as an appeal from an order*, *or*

(*b*) *any order of dismissal for default.*

Explanation.—A decree is preliminary when further proceedings have to be *taken before the suit can be completely disposed of. It is final when such adjudication completely disposes of the suit. It may be partly preliminary and partly final:*

(*3*) "decree-holder" means any person in whose favour a decree *has been passed* or *an* order capable of execution has been made:

(*4*) "district" means the local limits of the jurisdiction of a principal Civil Court of original jurisdiction (hereinafter called a "District Court"), and includes the local limits of the ordinary original civil jurisdiction of a High Court:

(*5*) "foreign Court" means a Court situate beyond the limits of British India *which has no* authority in British India *and is not* established *or continued* by the Governor General in Council:

(*6*) "foreign judgment" means the judgment of a foreign Court:

(*7*) "Government Pleader" includes any officer appointed by the Local Government to perform all or any of the functions expressly imposed by this Code on the Government Pleader *and also any pleader acting under the directions of the Government Pleader:*

(*8*) "Judge" means the presiding officer of a C*ivil* Court:

(*9*) "judgment" means the statement given by the Judge of the grounds of a decree or order:

(*10*) "judgment-debtor", means any person against whom a decree *has been passed* or *an* order *capable of execution* has been made:

(*11*) "*legal representative*" *means a person who in law represents the estate of a deceased person, and includes any person who intermeddles with the estate of the deceased and where a party sues or is sued in a representative character the person on whom the estate devolves on the death of the party so suing or sued:* [New.]

(*12*) "mesne profits" of property means those profits which the person in wrongful possession of such property actually received or might with ordinary diligence have received therefrom, together with interest on such profits, *but shall not include profits due to improvements made by the person in wrongful possession:* [S. 211, expl.]

(*13*) "*moveable property*" *includes growing crops:* [New.]

(*14*) "order" means the formal expression of any decision of a Civil Court which is not a decree:

(*15*) "pleader" means *any* person entitled to appear and plead for another in Court, and includes an advocate, a vakil and an attorney of a High Court:

(*16*) "*prescribed*" *means prescribed by rules:*

(*17*) "public officer" means a person falling under any of the following descriptions, namely:—

(*a*) every Judge;

(*b*) every *member of the Indian Civil Service;*

(*c*) every commissioned *or gazetted* officer in the military or naval forces of *His* Majesty, *including His Majesty's Indian Marine Service,* while serving under *the* Government;

(*d*) every officer of a Court of Justice whose duty it is, as such officer, to investigate or report on any matter of law or fact, or to make, authenticate or keep any document, or to take charge or dispose of any property, or to execute any judicial process, or to administer any oath, or to interpret, or to preserve order, in the Court, and every person especially authorized by a Court of Justice to perform any of such duties;

(*e*) every person who holds any office by virtue of which he is empowered to place or keep any person in confinement;

(*f*) every officer of *the* Government whose duty it is, as such officer, to prevent offences, to give information of offences, to bring offenders to justice, or to protect the public health, safety or convenience;

(*g*) every officer whose duty it is, as such officer, to take, receive, keep or expend any property on behalf of *the* Government, or to make any survey, assessment

The Code of Civil Procedure Bill.

(Preliminary.—Clauses 3-8. Part I.—Suits in General.—Jurisdiction of the Court and Res Judicata.—Clauses 9-10.)

or contract on behalf of *the* Government, or to execute any revenue-process, or to investigate, or to report on, any matter affecting the pecuniary interests of *the* Government, or to make, authenticate or keep any document relating to the pecuniary interests of *the* Government, or to prevent the infraction of any law for the protection of the pecuniary interests of *the* Government, and every officer in the service or pay of *the* Government, or remunerated by fees or commission for the performance of any public duty:

(18) "rules" means rules and forms contained in or made under this Act:

(19) "share in a corporation" shall be deemed to include stock, debenture stock, debentures or bonds: and

(20) "signed" includes stamped with the name of the person referred to.

[S. 2.] Subordination of Courts. 3. For the purposes of this Code, *the District Court is subordinate to the High Court, and* every *Civil* Court of grade inferior to that of a District Court and every Court of Small Causes *is* subordinate to the High Court and District Court.

[S. 4.] Savings. 4. (1) *In the absence of any specific provision to the contrary, nothing in this Code shall be deemed to limit or otherwise affect any special or local law now in force or any special jurisdiction or power conferred, or any special form of procedure prescribed, by or under any other law for the time being in force.*

(2) In particular and without prejudice to the generality of the proposition contained in sub-section (1), nothing in this Code shall be deemed to limit or otherwise affect any remedy which a landholder or landlord may have under any law for the time being in force for the recovery of rent of agricultural land from the produce of such land.

[S. 4A.] Power to modify the Code in its application to Revenue Courts. 5. (1) Where any Revenue Courts are governed by the provisions of this Code in those matters of procedure upon which any special enactment applicable to them is silent, the Local Government, with the previous sanction of the Governor General in Council, may, by notification in the *local* official Gazette, declare that any portions of those provisions *which are not expressly made applicable by this Code* shall not apply to those Courts, or shall only apply to them with such modifications as the Local Government, with the sanction aforesaid, may prescribe.

(2) "Revenue Court" in sub-section (1) means a Court having jurisdiction under any local law to entertain suits *or other proceedings* relating to the rent, revenue or profits of land used for agricultural purposes, but does not include a Civil Court having original jurisdiction under this Code to try such suits *or proceedings* as being suits *or proceedings* of a civil nature of which its cognizance is not barred by any enactment for the time being in force.

Pecuniary jurisdiction. 6. *Save in so far as is otherwise expressly provided,* nothing herein *contained* shall operate to give any Court jurisdiction over suits *or proceedings in suits* the amount or value of the subject-matter of which exceeds the pecuniary limits (if any) of its ordinary jurisdiction. [S. 6, last para.]

Provincial Small Cause Courts. 7. The *following provisions* shall *not* extend to Courts constituted under *the Provincial Small Cause Courts Act, 1887,* *or* to Courts exercising the jurisdiction of a Court of Small Causes under that Act, *that is to say,*— [S. 5.] IX of 1887.

(*a*) *so much of the Code as relates to—*

(*i*) *suits excepted from the cognizance of a Court of Small Causes, or*

(*ii*) *the execution of decrees in such suits,*

(*iii*) *the execution of decrees against immoveable property;*

(*b*) *the following sections, that is to say,—*

section 9,

section 91,

sections 94 and 95 so far as they relate to injunctions, and

sections 96 to 115.

Presidency Small Cause Courts. 8. Save as provided in sections 24, *38 to 41, 75, clauses (a), (b) and (c), 76, 77 and 151 to 155,* and by the Presidency Small Cause Courts Act, 1882, *the provisions in the body of* this Code shall not extend to any suit or proceeding in any Court of Small Causes established in the towns of Calcutta, Madras and Bombay. [S. 8.] XV of 1882.

PART I.
SUITS IN GENERAL.

JURISDICTION OF THE COURTS AND RES JUDICATA.

Courts to try all civil suits unless barred. 9. The Courts shall (subject to the provisions herein contained) have jurisdiction to try all suits of a civil nature excepting suits of which their cognizance is *either expressly or impliedly* barred. [S. 11.]

Explanation.—A suit in which the right to property or to an office is contested is a suit of a civil nature, notwithstanding that such right may depend entirely on the decision of questions as to religious rites or ceremonies.

Pending suits. 10. *Save* where a suit *is* stayed under section 22, the Court shall not *proceed with the trial of* any suit in which the matter in issue is also directly and substantially in issue in a previously instituted suit between the same parties, or between parties under whom they or any of them claim *litigating under the same title where such suit is* pending in the same or any other Court in British India having jurisdiction to grant *the* relief *claimed,* or in any Court [S. 12.]

The Code of Civil Procedure Bill.

(*Part I.—Suits in General.—Jurisdiction of the Courts and Res Judicata.—Clauses 11-14.)—Place of Suing.—Clauses 15-16.*)

beyond the limits of British India established *or continued* by the Governor General in Council and having like jurisdiction, or before *His* Majesty in Council.

Explanation.—The pendency of a suit in a foreign Court does not preclude the Courts in British India from trying a suit founded on the same cause of action.

[S. 13.] 11. No Court shall try any suit or issue in which the matter directly and substantially in issue has been directly and substantially in issue in *another* suit between the same parties, or between parties under whom they or any of them claim, litigating under the same title, in a Court of jurisdiction competent to try such subsequent suit or the suit in which such issue has been subsequently raised, and has been heard and finally decided by such Court.

Res judicata.

Explanation I.—For the purposes of this section, the competence of the jurisdiction of a Court shall be determined irrespective of any question as to the right of appeal from such Court.

Explanation II.—The matter above referred to must in the former suit have been alleged by one party and either denied or admitted, expressly or impliedly, by the other.

Explanation III.—Any matter which might and ought to have been made ground of defence or attack in such former suit shall be deemed to have been a matter directly and substantially in issue in such suit *and to* have been *heard and finally decided so far as the subject-matter of the former suit was concerned and no further.*

Explanation IV.—Any relief claimed in the plaint, which is not expressly granted by the decree, shall, for the purposes of this section, be deemed to have been refused.

Explanation V.—A decision liable to appeal may be final within the meaning of this section until the appeal is made.

Explanation VI.— Where persons litigate *bonâ fide* in respect of a *public right or of a* private right claimed in common for themselves and others, all persons interested in such right shall, for the purposes of this section, be deemed to claim under the persons so litigating.

[New.] 12. *Where a plaintiff is precluded by any rule from instituting a further suit in respect of any particular cause of action, he shall not be entitled to institute a suit in respect of such cause of action in any Court to which this Code applies.*

Bar to further suit.

[S. 14.] 13. *A foreign judgment shall be conclusive as to any matter thereby directly adjudicated upon between the same parties or between parties under whom they or any of them claim litigating under the same title except—*

When foreign judgment no bar to suit in British India.

(*a*) *where it has not been pronounced by a Court of competent jurisdiction;*

(*b*) *where* it has not been given on the merits of the case;

(*c*) *where it* appears *on the face of the proceedings* to be founded on an incorrect view of international law or *a refusal to recognise the law of British India in cases in which such law is applicable;*

(*d*) *where the proceedings in which the judgment was obtained are opposed* to natural justice;

(*e*) *where* it has been obtained by fraud;

(*f*) *where* it sustains a claim founded on a breach of any law in force in British India.

14. *The Court shall presume, upon the production of any document purporting to be a certified copy of a foreign judgment, that such judgment was pronounced by a Court of competent jurisdiction,* unless the contrary appears on the record; but such presumption may be *displaced* by proving want of jurisdiction. [S. 13. Expl. VI.]

Presumption as to foreign judgments.

PLACE OF SUING.

15. Every suit shall be instituted in the Court of the lowest grade competent to try it. [S. 15.]

Court in which suits to be instituted.

16. Subject to the pecuniary or other limitations prescribed by any law, suits— [S. 16.]

Suits to be instituted where subject-matter situate.

(*a*) for the recovery of immoveable property *with or without rent or profits,*

(*b*) for the partition of immoveable property,

(*c*) for foreclosure, *sale* or redemption *in the case* of a mortgage of *or charge upon* immoveable property,

(*d*) for the determination of any other right to or interest in immoveable property,

(*e*) for compensation for wrong to immoveable property,

(*f*) for the recovery of moveable property actually under distraint or attachment,

shall be instituted in the Court within the local limits of whose jurisdiction the property is situate:

Provided that *a* suit to obtain relief respecting, or compensation for wrong to, immoveable property held by or on behalf of the defendant may, *where* the relief sought can be entirely obtained through his personal obedience, be instituted either in the Court within the local limits of whose jurisdiction the property is situate, or in the Court within the local limits of whose jurisdiction *the defendant* actually and voluntarily resides, or carries on business, or personally works for gain.

Explanation.—In this section "property" means property situate in British India.

The Code of Civil Procedure Bill.

(*Part I.—Suits in General.—Place of Suing.—Clauses 17-22.*)

[S. 19.] 17. (*1*) Where a suit is to obtain relief respecting, or compensation for wrong to, immoveable property situate within the limits of a single district, but within the jurisdiction of different Courts, the suit may be instituted in the Court within the local limits of whose jurisdiction any portion of the property is situate :

Suits for immoveable property situate in single district, but within jurisdictions of different Courts.

Provided that, in respect of the value of the subject-matter of the suit, the entire claim *is* cognizable by such Court.

(*2*) Where the immoveable property is situate within the limits of different districts, the suit may be instituted in any Court, otherwise competent to try it, within the local limits of whose jurisdiction any portion of the property is situate.

Suits for immoveable property situate in different districts.

[S. 16A.] 18. (*1*) *Where* it is alleged to be uncertain within the local limits of the jurisdiction of which of two or more Courts any immoveable property is situate, any one of those Courts may, if satisfied that there is ground for the alleged uncertainty, record a statement to that effect and thereupon proceed to entertain and dispose of any suit relating to that property, and its decree in the suit shall have the same effect as if the property were situate within the local limits of its jurisdiction :

Place for institution of suit where local limits of jurisdiction of Courts are uncertain.

Provided that the suit is one with respect to which the Court is competent as regards the nature and value of the suit to exercise jurisdiction.

(*2*) Where a statement has not been recorded under sub-section (*1*), and an objection is taken before an appellate or revisional Court that a decree or order in a suit relating to such property was made by a Court not having jurisdiction where the property is situate, the appellate or revisional Court shall not allow the objection *unless* in its opinion there was, at the time of the institution of the suit, *no* reasonable ground for uncertainty as to the Court having jurisdiction with respect thereto *and unless there has been a consequent failure of justice.*

[S. 18.] 19. Where a suit is for compensation for wrong done to the person or to moveable property, if the wrong was done within the local limits of the jurisdiction of one Court and the defendant resides, or carries on business, or personally works for gain, within the local limits of the jurisdiction of another Court, the suit may be instituted at the option of the plaintiff in either of the said Courts.

Suits for compensation for wrongs to person or moveables.

Illustrations.

(*a*) A, residing in Delhi, beats B in Calcutta. B may sue A either in Calcutta or in Delhi.

(*b*) A, residing in Delhi, publishes in Calcutta statements defamatory of B. B may sue A either in Calcutta or in Delhi.

[S. 17.] 20. Subject to the limitations aforesaid, *every* suit shall be instituted in a Court within the local limits of whose jurisdiction—

Suits to be instituted where defendants reside or cause of action arose.

(*a*) the defendant, *or each of the defendants where there are more than one*, at the time of the commencement of the suit, actually and voluntarily resides, or carries on business, or personally works for gain ; or

(*b*) any of the defendants, *where there are more than one*, at the time of the commencement of the suit, actually and voluntarily resides, or carries [on] business or personally works for gain, provided that *in such case* either the leave of the Court is given, or the defendants who do not reside, or carry on business, or personally work for gain, as aforesaid, acquiesce in such institution ; or

(*c*) the cause of action, *wholly or in part*, arises.

Explanation I.—Where a person has a permanent dwelling at one place and also a temporary *residence* at another place, he shall be deemed to reside at both places in respect of any cause of action arising at the place where he has such temporary *residence.*

Explanation II.—A corporation shall be deemed to carry on business at its sole or principal office in British India or, in respect of any cause of action arising at any place where it has also a subordinate office, at such place.

Illustrations.

(*a*) A is a tradesman in Calcutta. B carries on business in Delhi. B, by his agent in Calcutta, buys goods of A and requests A to deliver them to the East Indian Railway Company. A delivers the goods accordingly in Calcutta. A may sue B for the price of the goods either in Calcutta, where the cause of action has arisen, or in Delhi, where B carries on business.

(*b*) A resides at Simla, B at Calcutta and C at Delhi. A, B and C being together at Benares, B and C make a joint promissory note payable on demand, and deliver it to A. A may sue B and C at Benares, where the cause of action arose. He may also sue them at Calcutta, where B resides, or at Delhi, where C resides; but in each of these cases, if the non-resident defendant objects, the suit cannot *proceed* without the leave of the Court.

21. *Subject to the provisions of section 18, no objection on the ground of want of jurisdiction under the provisions of this Part shall be allowed by any appellate or revisional Court unless such objection was taken in the Court of first instance at the earliest possible opportunity and in any case before the issues were settled and unless there has been a consequent failure of justice.* [16A (2).]

Objections to jurisdiction.

22. (*1*) *Where a suit may be instituted* [in] *any one of two or more Courts and is instituted in one of such Courts, any defendant, after notice in writing to the other parties, may at the earliest possible opportunity and in all cases before issues are settled, apply to the Court where the suit is instituted to stay proceedings.* [S. 20.]

Stay of proceedings.

(*2*) *Where the Court to which the application is made, after hearing such of the parties as desire to be heard, is satisfied that justice is more likely to be done by the suit being instituted or proceeded with in some Court*

The Code of Civil Procedure Bill.

(Part I.—Suits in General.—Place of Suing.— Clauses 23-25. Institution of Suits.— Clause 26. Summons and Discovery.—Clauses 23-29.)

other than the Court where it is pending, it may stay proceedings.

[Ss. 22, 23, 24] 23. (*1*) *Where a suit may be instituted in any one of two or more Courts and is instituted in one of such Courts, any defendant, after notice in writing to the other parties, may, at the earliest possible opportunity and in all cases before issues are settled, apply to have the suit transferred to another Court in accordance with the provisions of this section, and the Court to which such application is made, after considering the objections of the other parties (if any), shall determine in which of the several Courts having jurisdiction the suit shall proceed.*

Power to transfer suits which may be instituted in more than one Court.

(2) *Where such Courts are subordinate to the same Appellate Court, the application shall be made to the Appellate Court.*

(3) *Where such Courts are subordinate to different Appellate Courts but to the same High Court, the application shall be made to the said High Court.*

(4) *Where such Courts are subordinate to different High Courts, the application shall be made to the High Court within the local limits of whose jurisdiction the Court in which the suit is brought is situate:*

Provided that if the suit is instituted in any Court subordinate to a District Court any application to a High Court under this section shall be submitted together with the objections (if any) filed by the parties through the District Court to which such first-mentioned Court is subordinate.

[S. 25.] 24. (*1*) On the application of any of the parties and after notice to the parties and *after* hearing such of them as desire to be heard, or of its own motion without such notice, *the High Court or the District Court may at any stage—*

General power of transfer *and withdrawal.*

(*a*) *transfer any suit or appeal pending before it for trial or disposal to any Court subordinate to it and competent, as regards both the subject-matter and the value of such suit or appeal, to try or dispose of the same, or*

(*b*) *withdraw any suit or appeal pending in any Court subordinate to it, and*

(*i*) *try or dispose of the same; or*

(*ii*) *transfer the same for trial or disposal to any Court subordinate to it and competent as described in clause (a); or*

(*iii*) *retransfer the same for trial or disposal to the Court from which it was withdrawn.*

(2) *Where any suit has been transferred or withdrawn under sub-section (1), the Court which thereafter tries such suit subject to any special directions in the case of an order of transfer, may either retry it or proceed from the point at which it was transferred or withdrawn.*

(3) For the purposes of this section, Courts of Additional and Assistant Judges shall be deemed to be subordinate to the District Court.

(4) The Court trying any suit *transferred or* withdrawn under this section from a Court of Small Causes shall, for the purposes of such suit, be deemed to be a Court of Small Causes.

25. (*1*) *Where an order is made—* [Ss. 20, 21.]

Return of plaint in cases in which suit is stayed or transferred.

(*a*) *under section 22 staying proceedings in a suit, or*

(*b*) *under section 23 directing that a suit shall proceed in a Court other than the Court in which it is instituted,*

the Court *in which the suit is pending* shall *on the application of* the plaintiff, return the plaint with an endorsement thereon of the *date of its presentation and return, and of the* order *so made.*

(2) *Where* the proper *court*-fee has been levied on the institution of the suit and the plaintiff re-institutes the suit by *presenting the plaint so returned* in another Court, the plaint shall not be chargeable with any *further* court-fee.

INSTITUTION OF SUITS.

26. Every suit shall be instituted by the present*ation of* a plaint. [S. 46.]

Institution of suits.

SUMMONS AND DISCOVERY.

27. *Where a suit has been duly instituted,* a summons may be issued to *the* defendant to appear and answer the claim *and served in manner prescribed.* [S. 64.]

Summons to defendant.

28 (*1*) *A summons may be sent for service in another province to such Court and in such manner as may be prescribed by rules in force in that province.* [S. 85.]

Service of summons where defendant resides within jurisdiction of a Court in another province.

(2) The Court to which such summons is sent shall, upon receipt thereof, proceed as if it had *been issued by such Court* and shall then return the summons to the Court *of issue together with the record (if any) of its proceedings with regard thereto.*

29. Summonses issued by any Civil or Revenue Court situate beyond the limits of British India may be sent to the Courts in British India and served as if they had been issued by such Courts: [S. 650A.]

Service of foreign summonses.

Provided that the Courts issuing such summonses have been established or continued by the authority of the Governor General in Council, or that the Governor General in Council has, by notification in the Gazette of India, declared the provisions of this section to apply to such Courts.

The Code of Civil Procedure Bill.

(Part I.—Suits in General.—Summons and Discovery.—Clauses 30-32. Judgment and Decree.—Clause 33. Interest.—Clause 34. Costs.—Clause 35.)—(Part II.—Execution.—Clauses 36-39.)

[New.] *Power to order discovery and the like.*

30. *Subject to such conditions and limitations as may be prescribed, the Court may, at any time, either of its own motion or on the application of any party,—*

(*a*) *make such orders as may be necessary or reasonable in all matters relating to the delivery and answering of interrogatories, the admission of documents and facts, and the discovery, inspection, production, impounding and return of documents or other material objects producible as evidence ;*

(*b*) *issue summonses to persons whose attendance is required either to give evidence or to produce documents or such other objects as aforesaid ;*

(*c*) *order any fact to be proved by affidavit.*

[New.] *Summons to witness.*

31. *The provisions in sections 27, 28 and 29 shall apply to summonses to give evidence or to produce documents or other material objects.*

[New.] *Penalty for default.*

32. *Where any person fails to comply with any summons issued under section 30, the Court may—*

(*a*) *issue a warrant for his arrest, and*

(*b*) *attach and sell his property, and*

(*c*) *impose a fine upon him not exceeding five hundred rupees.*

JUDGMENT AND DECREE.

[S. 198.] Judgment and decree.

33. The Court, after the *case has been heard,* shall pronounce judgment, *and on such judgment a decree shall follow.*

INTEREST.

[S. 209.] Decrees for payment of money may order certain interest to be paid on principal sum adjudged.

34. (*1*) *Where and in so far as* a decree (*not being a decree for the enforcement of a mortgage or charge*) is for the payment of money, the Court may, in the decree, order interest at such rate as the Court deems reasonable to be paid on the principal sum adjudged, from the date of the suit to the date of the decree, in addition to any interest adjudged on such principal sum for any period prior to the institution of the suit, with further interest at such rate as the Court deems reasonable on the aggregate sum so adjudged, from the date of the decree to the date of payment, or to such earlier date as the Court thinks fit.

(*2*) Where such a decree is silent with respect to the payment of further interest on such aggregate sum as aforesaid from the date of the decree to the date of payment or other earlier date, the Court shall be deemed to have refused such interest, and a separate suit therefor shall not lie.

COSTS.

S. 5, Judicature Act, 1890.] *Costs.*

35. (*1*) *Subject to such conditions and limitations as may be prescribed, the costs of and incident to all suits shall be in the discretion of the Court, and the Court shall have full power to determine by whom or out of what property and to what extent such costs are to be paid, and to give all necessary directions for the purposes aforesaid. The fact that the Court has no jurisdiction to try the suit shall be no bar to the exercise of such powers.*

(*2*) *Where the Court directs that any costs shall not follow the event, the Court shall state its reasons in writing.* [S. 222.]

(*3*) The Court may give interest on costs at any rate not exceeding six per cent. per annum, *and such interest shall be added to the costs and shall be recoverable as such.*

PART II.

EXECUTION.

General.

[New.] Application to orders.

36. *The provisions of this Code relating to the execution of decrees shall, so far as they are applicable, be deemed to apply to the execution of orders.*

[S. 649, expl.] Definition of Court which passed a decree.

37. The expression "Court which passed a decree" or words to that effect, shall, *in relation to the execution of decrees,* unless there is anything repugnant in the subject or context, be deemed to include,—

(*a*) where the decree to be executed has been passed in *the exercise of appellate jurisdiction,* the Court *of first instance,* and

(*b*) where the Court *of first instance* has ceased to exist or to have jurisdiction to execute it, the Court which, if the suit wherein the decree was passed *was* instituted at the time of making the application for the execution of the decree, would have jurisdiction to try such suit.

Courts by which decrees may be executed.

[S. 223, first para.] Court by which decree may be executed.

38. A decree may be executed either by the Court which passed it, or by the Court to which it is sent for execution.

[S. 223, second and third paras.] Transfer of decree.

39. (*1*) The Court which passed a decree may, on the application of the decree-holder, send it for execution to another Court,—

(*a*) if the person against whom the decree is passed actually and voluntarily resides or carries on business, or personally works for gain, within the local limits of the jurisdiction of such other Court, or

(*b*) if such person has not property within the local limits of the jurisdiction of the Court which passed the decree sufficient to satisfy such decree and

The Code of Civil Procedure Bill.

(Part II.—Execution.—Clauses 40-48.)

has property within the local limits of the jurisdiction of such other Court, or

(*c*) if the decree directs the sale *or delivery* of immoveable property situate outside the local limits of the jurisdiction of the Court which passed it, or

(*d*) if the Court which passed the decree considers for any other reason, which it shall record in writing, that the decree should be executed by such other Court.

(*2*) The Court which passed a decree may of its own motion send it for execution to any Court subordinate thereto.

[New.] Transfer of decree to Court in another Province.

40. *Where a decree is sent for execution in another Province, it shall be sent to such Court and executed in such manner as may be prescribed by rules in force in that Province.*

[S. 223, fourth para.] Result of execution-proceedings to be certified

41. The Court to which a decree is sent for execution shall certify to the Court which passed it the fact of such execution, or where the former Court fails to execute the same the circumstances attending such failure.

[S. 228.] Powers of Court in executing transferred decree.

42. The Court executing a decree sent to it shall have the same powers in executing such decree as if it had been passed by itself. All persons disobeying or obstructing the execution of the decree shall be punishable by such Court in the same manner as if it had passed the decree. And its order in executing such decree shall be subject to the same rules in respect of appeal as if the decree had been passed by itself.

[S. 229.] *Execution of decrees passed by British Courts in places to which this Part does not extend or in foreign territory.*

43. *Any* decree *passed by a Civil* Court *established in any part of British India to which the provisions relating to execution do not extend, or by any Court* established or continued by the authority of the Governor General in Council in the territories of any Foreign Prince or State, *may, if it* cannot be executed within the jurisdiction of the Court by which it was *passed,* be executed in manner herein provided within the jurisdiction of any Court in British India.

[S. 229B.] Execution of decrees passed by Courts of Native States.

44. The Governor General in Council may, by notification in the Gazette of India, declare that the decrees of any Civil or Revenue Courts situate in the territories of any Native Prince or State in alliance with His Majesty and not established or continued by the authority of the Governor General in Council, *or any class of such decrees,* may be executed in British India as if they had been *passed* by the Courts of British India.

[S. 229A.] Sending of decrees by British Indian Courts for execution to certain British Courts in foreign territory.

45. So much of the foregoing sections of this *Part* as empowers a Court to send *a* decree for execution to another Court shall be construed as empowering a Court in British India to send *a* decree for execution to any Court established or continued by the authority of the Governor General in Council in the territories of any Foreign Prince or State to which the Governor General in Council has, by notification in the Gazette of India, declared this section to apply.

[New.] *Precepts.*

46. (*1*) *Upon the application of the decree-holder the Court which passed the decree may, whenever it thinks fit, issue a precept to any other Court which would be competent to execute such decree to attach any property belonging to the judgment-debtor and specified in the precept.*

(2) The Court to which a precept is sent shall proceed to attach the property in the manner prescribed in regard to the attachment of property in execution of a decree: Provided that no attachment under a precept shall continue for more than two months unless the period of attachment is extended by an order of the Court which passed the decree for reasons to be stated by it in writing.

(*3*) *Notwithstanding anything contained in this section, it shall be incumbent on the decree-holder to apply for execution as though no precept had been issued.*

Questions to be determined by Court executing decree.

[S. 244.] Questions to be determined by the Court executing decree.

47. (*1*) *All* questions arising between the parties to the suit in which the decree was passed, or their representatives, and relating to the execution, discharge or satisfaction of the decree, shall be determined by the Court executing *the* decree and not by a separate suit.

(*2*) *The Court may, subject to any objection as to limitation, treat a proceeding under this section as a suit or a suit as a proceeding and order payment of any additional court-fees.*

(*3*) *Where* a question arises as to who is the representative of a party, the Court *shall determine who shall be deemed to be the representative* for the purposes of this section.

Explanation.—For the purposes of this section, a plaintiff whose suit has been dismissed, and a defendant against whom a suit has been dismissed, are parties to the suit.

Limit of time for execution.

[S. 230, third and fourth paras.] *Execution barred in certain cases.*

48. (*1*) Where an application to execute a decree *not being a decree granting an injunction* has been made, no subsequent *order for the execution of the same decree* shall be *made upon any fresh application presented* after the expiration of twelve years from—

(*i*) the date of the decree sought to be *executed*, or,

The Code of Civil Procedure Bill.

(Part II.—Execution.—Clauses 49-55.)

(*ii*) where the decree or any subsequent order directs any payment of money or the delivery of any property to be made at a certain date *or at recurring periods*, the date of the default in making the payment or delivery in respect of which the applicant seeks to *execute* the decree.

(2) Nothing in this section shall *be deemed*—

(*a*) to *preclude* the Court from *ordering the* execution of a decree *upon an application presented* after the expiration of the said term of twelve years, where the judgment-debtor has, by fraud or force, prevented the execution of the decree at some time within twelve years immediately before the date of the application ; *or*

XV of 1877. (*b*) *to limit or otherwise affect the operation of article 180 of the second schedule to the Indian Limitation Act, 1877.*

Transferees and legal representatives.

[S 233.] **49.** Every transferee of a decree shall hold the same subject to the equities (if any) which the judgment-debtor might have enforced against the original decree-holder.

Transferee of *decree* to hold subject to equities enforceable against original *decree-holder*.

[S. 234.] **50.** (*1*) *Where* a judgment-debtor dies before the decree has been fully executed, the holder of the decree may apply to the Court which passed it to execute the same against the legal representative of the deceased.

Application for execution against estate of deceased judgment-debtor.

(2) *Where the decree is executed against such legal* representative, *he* shall be liable only to the extent of the property of the deceased which has come to his hands and has not been duly disposed of ; and, for the purpose of ascertaining such liability, the Court executing the decree may, of its own motion or on the application of the decree-holder, compel *such legal* representative to produce such accounts as it thinks fit.

Procedure in execution.

[New.] **51.** *Subject to such conditions and limitations as may be prescribed the Court may, on the application of the decree-holder, order execution of the decree*—

Powers of Court to enforce execution.

(*a*) *by the delivery of any property specifically decreed, or*

(*b*) *by the attachment and sale or by the sale without attachment of any property, or*

(*c*) *by the arrest and detention in prison of any person, or*

(*d*) *in such other manner as the nature of the relief granted may require.*

[S. 252.] **52.** (*1*) *Where* a decree *is passed* against a party as the legal representative of a deceased person, and the decree is for *the payment of* money out of the property of the deceased, it may be executed by the attachment and sale of any such property.

Enforcement of decree against *legal* representative.

(2) *Where* no such property remains in the possession of the judgment-debtor and he fails to satisfy the Court that he has duly applied such property of the deceased as is proved to have come into his possession, the decree may be executed against the judgment-debtor to the extent of the property *in respect of which he has failed so to satisfy the Court*, in the same manner as if the decree had been against him personally.

53. *For the purposes of section 50 and section 52, property in the hands of a son or other descendant which is liable under Hindu law for the payment of the debt of a deceased ancestor, in respect of which a decree has been passed, shall be deemed to be property of the deceased which has come to the hands of the son or other descendant as his legal representative.* [New.]

Liability of ancestral property.

54 (*1*) *Where* the decree *is* for the partition of an undivided estate *assessed as such to the payment of undivided* revenue to *the* Government, *or for the separate possession of a share in the whole of such an estate*, the partition of the estate or the separation of the share shall, *if it affects the joint responsibility for the payment of such revenue*, be made by the Collector *or any gazetted subordinate of the Collector deputed by him in this behalf, in accordance with the rights declared in the decree and with* the law (if any) for the time being in force relating— [S. 265.]

Partition of estate or separation of share.

(*a*) to the partition, or the separate possession of shares, of such estates, and

(*b*) *to appeals or revision in proceedings relating to such partition or separate possession.*

Explanation.—For the purposes of this section, a raiyatwari-holding shall be deemed not to be an "estate".

Arrest and detention.

55. (*1*) *A* judgment-debtor may be arrested in execution of a decree at any hour and on any day, and shall, as soon as practicable, be brought before the Court, and his *detention* may be in the *civil prison* of the district in which the Court ordering the *detention* is situate, or, where such *civil prison* does not afford suitable accommodation, in any other place which the Local Government may appoint for the *detention* of persons ordered by the Courts of such district to be *detained*: [S. 33.]

Arrest and detention of judgment-debtor.

Provided, first, that, for the purpose of making an arrest under this section, no dwelling-house shall be entered after sunset or before sunrise :

Provided, secondly, that if the judgment-debtor or any person in whose dwelling-house the officer authorized to make the arrest has reason to believe the judgment-debtor is to be found, refuses access to his house, such officer may remove or open any lock or bolt and may break open any outer door, *and* when

The Code of Civil Procedure Bill.

(*Part II.—Execution.—Clauses 56-58.*)

the officer authorized to make the arrest has duly gained access to any dwelling-house, he may *break* open the door of any room in which he has reason to believe the judgment-debtor is to be found :

Provided, thirdly, that, if the room *is* in the actual occupancy of a woman who is not the judgment-debtor and who according to the customs of the country does not appear in public, the officer *authorized to make the arrest* shall give notice to her that she is at liberty to withdraw, and, after allowing a reasonable time for her to withdraw and giving her reasonable facility for withdrawing, may enter *the* room for the purpose of making the arrest:

Provided, fourthly, that, where the decree in execution of which a judgment-debtor is arrested, is a decree for *the payment of* money and the judgment-debtor pays the amount of the decree and the costs of the arrest to the officer arresting him, such officer shall at once release him.

(2) *The Local Government may, by notification in the local official Gazette, declare that any person or class of persons whose arrest might be attended with danger or inconvenience to the public shall not be liable to arrest in execution of a decree otherwise than in accordance with such procedure as may be prescribed by the Local Government in this behalf.*

(3) *Where* a judgment-debtor is arrested in execution of a decree for *the payment of* money and brought before the Court, the Court shall inform him that he may apply to be declared an insolvent, and that he will be discharged if he has not committed any act of bad faith regarding the subject of *the* application and if he *complies with the provisions of the law of insolvency for the time being in force.*

(4) *Where a* judgment-debtor expresses his intention to apply *to be declared an insolvent* and furnishes security, *to the satisfaction of the Court*, that he will within one month *so* apply, *and* that he will appear, when called upon, *in any proceeding upon the application or upon the decree in execution of which he was arrested*, the Court shall release him from arrest, *and*, if he fails so to apply *and to appear*, the Court may either direct the security to be realized or commit him to *the civil prison* in execution of the decree.

[S. 245A.] 56. Notwithstanding anything in this *Part* the Court shall not order the arrest or *detention in the civil prison* of a woman in execution of a decree for *the payment of* money.

Prohibition of arrest or *detention in prison* of woman in execution of decree for money.

[S. 338.] 57. (1) The Local Government may prescribe scales, graduated according to rank, race and nationality, of monthly allowances payable for the subsistence of judgment-debtors.

Subsistence-allowance.

(2) No judgment-debtor shall be arrested in execution of a decree unless and until the decree-holder pays into Court such sum as the Judge thinks sufficient for the subsistence of the judgment-debtor from *the time of* his arrest until he can be brought before the Court. [S. 339.]

(3) *Where* a judgment-debtor is committed to *the civil prison* in execution of a decree, the Court shall fix for his subsistence such monthly allowance as he may be entitled to according to the said scales, or, where no such scales have been fixed, as it considers sufficient with reference to the class to which he belongs.

(4) The monthly allowance fixed by the Court shall be supplied by the party on whose application the *judgment-debtor* has been *arrested or detained in the civil prison*, by monthly payments in advance before the first day of each month.

(5) The first payment shall be made to the proper officer of the Court for such portion of the current month as remains unexpired before the judgment-debtor is committed to *the civil prison*, and the subsequent payments (if any) shall be made to the officer in charge of the *civil prison*.

(6) Sums disbursed by the decree-holder for the subsistence of the judgment-debtor in *the civil prison* shall be deemed to be costs in the suit : [S. 340.]

Provided that the judgment-debtor shall not be detained in *the civil prison* or arrested on account of any sum so disbursed.

58. (1) *Every* person *detained* in *the civil* prison in execution of a decree shall be *so detained*,— [S. 342.]

Detention in prison and release.

(*a*) *where* the decree *is* for the payment of a sum of money exceeding fifty rupees, for a period *of* six months, and,

(*b*) in any other case, for a period *of* six weeks:

Provided that he shall be released from such detention before the expiration of the said period of six months or six weeks, as the case may be,— [S. 341.]

(i) on the amount mentioned in the warrant *for his detention* being paid to the officer in charge of the *civil prison*, or

(ii) on the decree *against him* being otherwise fully satisfied, or

(iii) *on* the request of the person on whose application he has been *so detained*, or

(*iv*) *on the omission by the person, on whose application he has been so detained*, to pay subsistence-allowance :

Provided, *also*, that *he* shall not be *released from such detention under clause* (*ii*) *or clause* (*iii*), without the order of the Court.

(2) A judgment-debtor *released from detention* under this section *shall* not *merely by reason of his release be* discharged from his

The Code of Civil Procedure Bill.

(Part II.—Execution.—Clauses 59-60.)

debt, but *he shall* not *be liable to* be re-arrested under the decree in execution of which he was *detained in the civil prison.*

[S. 653 (3) & (4).]

Release from the civil prison on ground of illness.

59. (*1*) Where a judgment-debtor has been committed to *the civil prison*, he may be released therefrom—

(*a*) by the Local Government, on the ground of *the existence of* any infectious or contagious disease, or

(*b*) by the committing Court, or any Court to which that Court is subordinate, on the ground of his suffering from any serious illness.

(*2*) A judgment-debtor released under this section may be re-arrested, but the period of his *detention* in *the civil prison* shall not in the aggregate exceed that prescribed *by* section 58.

Attachment.

[S. 266.]

Property liable to attachment and sale in execution of decree.

60. (*1*) The following property is liable to attachment and sale in execution of a decree, namely, lands, houses or other buildings, goods, money, banknotes, cheques, bills of exchange, hundis, promissory notes, Government securities, bonds or other securities for money, debts, shares in *a* corporation and, *save* as hereinafter mentioned, all other saleable property, moveable or immoveable, belonging to the judgment-debtor, or over which, or the profits of which, he has a disposing power which he may exercise for his own benefit, whether the same be held in the name of the judgment-debtor or by another person in trust for him or on his behalf :

Provided that the following particulars shall not be liable to such attachment or sale namely :—

(*a*) the necessary wearing-apparel, *cooking vessels, beds* and bedding of the judgment-debtor, his wife and children, *and such personal ornaments as, in accordance with religious usage, cannot be parted with by any woman ;*

(*b*) tools of artizans, and, where the judgment-debtor is an agriculturist, his implements of husbandry and such cattle and seed-grain as may, in the opinion of the Court, be necessary to enable him to earn his livelihood as such, *and such portion of agricultural produce or of any class of agricultural produce as may have been declared to be free from liability under the provisions of section 61 ;*

(*c*) houses and other buildings (*with the* materials *and the sites thereof and the land immediately appurtenant thereto and necessary for their enjoyment*) belonging to *an agriculturist* and occupied by *him ;*

(*d*) books of account ;

(*e*) *a* mere right to sue for damages ;

(*f*) any right of personal service ;

(*g*) stipends and gratuities allowed to military and civil pensioners of *the* Government, and political pensions ;

(*h*) *allowances* (*being less than salary*) *of any* public officer or of any servant of a railway company or local authority *while absent from duty*,

(*i*) *the salary or allowances equal to salary of any such public officer or servant as is referred to in clause* (*h*), *while on duty*, to the extent of—

(*i*) the whole of the salary, where the salary does not exceed twenty rupees monthly ;

(*ii*) twenty rupees monthly, where the salary exceeds twenty rupees and does not exceed forty rupees monthly ; and

(*iii*) one moiety of the salary in any other case ;

(*j*) the pay and allowances of persons to whom the *Indian* Articles of War apply ; V of [illegible]

(*k*) *all compulsory deposits and other sums in or derived from any fund to which the Provident Funds Act, 1897, for the time being applies in so far as they are declared by the said Act not to be liable to attachment ;* IX of [illegible]

(*l*) the wages of labourers and domestic servants ;

(*m*) an expectancy of succession by survivorship or other merely contingent or possible right or interest ;

(*n*) a right to future maintenance ;

(*o*) any allowance declared by any law passed under the Indian Councils Acts, 1861 *and 1892*, by *the Governor General or by a* Governor or a Lieutenant-Governor in Council to be exempt from liability to attachment or sale in execution of a decree ; *and*, 24 & 25 Vict., c. [illegible] 55 & 56 Vict., c. [illegible]

(*p*) where the judgment-debtor is a person liable for the payment of land-revenue, any moveable property which, under any law *for the time being* applicable to him, is exempt from sale for the recovery of an arrear of such revenue.

Explanation.—The particulars mentioned in clauses (*g*), (*h*), (*i*), (*j*), (*l*) and (*o*) are exempt from attachment or sale whether before or after they are actually payable.

(*2*) Nothing in this section shall be deemed—

(*a*) to exempt houses and other buildings (*with the materials and the sites* ***thereof and the lands immediately***

The Code of Civil Procedure Bill.

Part II.—Execution.—Clauses 61-69.)

appurtenant thereto and necessary for their enjoyment) from attachment or sale in execution of decrees for rent *of any such house, building, site or land*, or

(*b*) to affect the *provisions of the* Army Act or *of* any similar law for the time being in force. 45 s., c. 58.

[New.] 61. *The Local Government, with the previous sanction of the Governor General in Council, may, by general or special order published in the local official Gazette, declare that such portion of agricultural produce, or of any class of agricultural produce, as may appear to the Local Government to be necessary for the purpose of providing until the next harvest for the due cultivation of the land and for the support of the judgment-debtor and his family shall, in the case of all agriculturists or of any class of agriculturists, be released from attachment and shall be free from liability to sale in execution of a decree.*

Partial exemption from attachment of agricultural produce.

[S. 271.] 62. (*1*) No person executing any process under this Code directing or authorizing seizure of moveable property shall enter any dwelling-house after sunset and before sunrise.

Seizure of property in *dwelling-house.*

(*2*) *Where the judgment-debtor refuses access to his dwelling-house, the person executing any such process may remove or open any lock or bolt and may* break open any outer door ; *and*, when such person has duly gained access to any dwelling-house, he may *break* open the door of any room in which he has reason to believe any such property to be.

(*3*) *Where a room in a dwelling-house is* in the actual occupancy of a woman who, according to the customs of the country, does not appear in public, the person executing the process shall give notice to *such woman* that she is at liberty to withdraw; and, after allowing reasonable time for *her* to withdraw and giving her reasonable facility for withdrawing, he may enter such room for the purpose of seizing the property, using at the same time every precaution, consistent with these provisions, to prevent its clandestine removal.

[S. 285.] 63. (*1*) Where property not in the custody of any Court *is under attachment* in execution of decrees of more Courts than one, the Court which shall receive or realize such property and shall determine any claim thereto and any objection to the attachment thereof shall be the Court of highest grade, or, where there is no difference in grade between such Courts, the Court under whose decree the property was first attached.

Property attached in execution of decrees of several Courts.

(*2*) *Nothing in this section shall be deemed to invalidate any proceeding taken by a Court executing one of such decrees.*

[S. 276.] 64. *Where* an attachment has been made, any private *transfer* of the property *attached or of any interest therein*, and any payment of the debt or dividend or delivery of the share, to the judgment-debtor during the continuance of the attachment, shall be void as against all claims enforceable under the attachment.

Private alienation of property after attachment to be void.

Explanation.—For the purposes of this section, claims enforceable under an attachment include claims for the rateable distribution of assets under section 73.

Sale.

65. *Where immoveable property is sold in execution of a decree and such sale becomes absolute, the property shall be deemed to have vested in the purchaser from the time when the property is sold and not from the time when the sale becomes absolute.* [New; cf. s. 316.]

Purchaser's title.

66. (*1*) No suit shall be maintained *against any person claiming title under a* purchase certified *by the Court* on the ground that the purchase was made on behalf of any other person, or on behalf of some one through whom such other person claims. [S. 317.]

Suit against purchaser not maintainable on ground of purchase being on behalf of another.

(*2*) Nothing in this section shall bar a suit to obtain a declaration that the name of *any* purchaser certified *as aforesaid* was inserted in the certificate fraudulently or without the consent of the real purchaser, *or interfere with the right of a third person to proceed against that property, though ostensibly sold to the certified purchaser, on the ground that it is liable to satisfy a claim of such third person against the real owner.*

67. The Local Government, with the *previous* sanction of the Governor General in Council, may, *by notification in the local official Gazette*, make rules for any local area imposing conditions in respect of *the* sale of any class of interests in land in execution of decrees for *the payment of* money, where such interests are so uncertain or undetermined as, in the opinion of the Local Government, to make it impossible to fix their value. [S. 327.]

Power for Local Government to make rules as to sales of land in execution of decrees for payment of money.

Delegation to Collector of power to execute decrees against immoveable property.

68. The Local Government may, with the *previous* sanction of the Governor General in Council, declare, by notification in the *local* official Gazette, that in any local area the execution of decrees in cases in which a Court has ordered any immoveable property to be sold, or the execution of any particular kind of such decrees, or the execution of decrees ordering the sale of any particular kind of, or interest in, immoveable property, shall be transferred to the Collector. [S. 320.]

Power to prescribe rules for transferring to Collector execution of certain decrees.

69. (*1*) *The provisions set forth in the Third Schedule shall apply to all cases in which the execution of a decree has been transferred under the last preceding section.* [New.]

Provisions of Third Schedule to apply.

The Code of Civil Procedure Bill.

(*Part II.—Execution.—Clauses 70-74.*)

[S. 320, second and third paras.]

70. (*1*) The Local Government may *make* rules consistent *with the aforesaid provisions*—

Rules of procedure.

(*a*) for the transmission of the decree from the Court to the Collector, and for regulating the procedure of the Collector and his subordinates in executing the same, and for retransmitting the decree from the Collector to the Court;

(*b*) conferring upon the Collector or any gazetted subordinate of the Collector all or any of the powers which the Court might exercise in the execution of the decree if the execution thereof had not been transferred to the Collector;

(*c*) providing for orders *made* by the Collector or any gazetted subordinate of the Collector, or orders *made* on appeal with respect to such orders being subject to appeal to, and revision by, superior revenue-authorities as nearly as may be as the orders made by the Court, or orders *made* on appeal with respect to such orders, would be subject to appeal to and revision by appellate or revisional Courts under this Code or other law for the time being in force if the decree had not been transferred to the Collector.

[S. 320, fourth para.]

(*2*) A power conferred by rules *made under sub-section* (*1*) upon the Collector or any gazetted subordinate of the Collector, or upon any appellate or revisional authority, shall not be exerciseable by the Court or by any Court in exercise of any appellate or revisional jurisdiction which it has with respect to decrees or orders of the Court.

Jurisdiction of Civil Courts barred.

[S. 320, fifth para.]

71. In executing a decree transferred to the Collector under section *68* the Collector and his subordinates shall be deemed to be acting judicially.

Collector deemed to be acting judicially.

[S. 326.]

72. (*1*) *Where* in any local area in which no declaration under section 68 is in force the property attached consists of land or of a share in land, and the Collector represents to the Court that the public sale of the land or share is objectionable and that satisfaction of the decree may be made within a reasonable period by a temporary alienation of the land or share, the Court may authorize the Collector to provide for such satisfaction in the manner recommended by him instead of proceeding to a sale of the land or share.

Where Court may authorize Collector to stay public sale of land.

(*2*) In every such case the provisions of sections *69 to 71 and of any rules made in pursuance thereof* shall apply so far as they are applicable.

Distribution of assets.

[S. 295.]

73. (*1*) *Where* assets are *held by a Court*, and more persons than one have, *before the receipt of such assets, made application* to the Court for *the* execution of decrees for *the payment of* money *passed* against the same judgment-debtor and have not obtained satisfaction thereof, the assets, after deducting the costs of realization, shall be rateably *distributed* among all such persons:

Proceeds of execution-sale to be rateably *distributed* among decree-holders.

Provided as follows:—

(*a*) *where* any property is sold subject to a mortgage or charge, the mortgagee or incumbrancer shall not be entitled to share in any surplus arising from such sale:

(*b*) *where* any property liable to be sold in execution of a decree is subject to a mortgage or charge, the Court may, with the *consent* of the mortgagee or incumbrancer, order that the property be sold free from the mortgage or charge, giving to the mortgagee or incumbrancer the same *interest in* the proceeds of the sale as he had *in* the property sold;

(*c*) *where any* immoveable property is sold in execution of a decree ordering its sale for the discharge of an incumbrance thereon, the proceeds of sale shall be applied—

first, in defraying the expenses of the sale;

secondly, in discharging the *amount* due *under* the *decree;*

thirdly, in discharging the interest and principal monies due on subsequent incumbrances (if any); and,

fourthly, rateably among the holders of decrees for *the payment of* money against the judgment-debtor, who have, prior to the sale of the property, applied to the Court which *passed* the decree ordering such sale for execution of such decrees, and have not obtained satisfaction thereof.

(*2*) *Where* all or any of *the* assets *liable to be rateably distributed under this section are* paid to a person not entitled to receive the same, any person so entitled may sue such person to compel him to refund the assets.

(*3*) Nothing in this section affects any right of the Government.

Resistance to execution.

[S. 328]

74. *Where* the Court is satisfied that the *holder of a decree for the possession of property or that the purchaser of immoveable property sold in execution of a decree has been resisted or obstructed in obtaining possession of the property by the judgment-debtor* or some person *on his behalf* and that such resistance or obstruction was without any just cause, the Court may, at the instance of the decree-holder *or purchaser, order* the judgment-debtor or such other person *to be detained in the civil prison* for a term which may extend to thirty days and *may further* direct that the decree-holder *or purchaser* be put into possession of the property.

Resistance to execution.

The Code of Civil Procedure Bill.

(Part III.—Incidental Proceedings.—Commissions.—Clauses 75-78. Part IV.—Suits in Particular Cases.—Suits by or against the Government or Public Officers in their official capacity.—Clauses 79-83.)

PART III.

INCIDENTAL PROCEEDINGS.

COMMISSIONS.

[New.] Power of Court to issue commissions.

75. *Subject to such conditions and limitations as may be prescribed, the Court may issue a commission—*

(*a*) *to examine any person;*

(*b*) *to make a local investigation;*

(*c*) *to examine or adjust accounts; or*

(*d*) *to make a partition.*

[S. 386.] Commission to another Court.

76. (*1*) *A* commission may be issued *under the foregoing section* to any Court (not being a High Court) *situate in a Province other than the Province in which the Court of issue is situate* and *having jurisdiction in the place in which the person to be examined resides.*

(*2*) *Every Court receiving a commission for the examination of any person under sub-section (1) shall examine him or cause him to be examined pursuant thereto, and the commission, when it has been duly executed, shall be returned together with the evidence taken under it to the Court from which it was issued, unless the order for issuing the commission has otherwise directed, in which case the commission shall be returned in terms of such order.*

[New.] Letter of request.

77. *In lieu of issuing a commission the Court may issue a letter of request to examine a witness residing at any place not within British India.*

[S. 391.] Provisions as to execution and return of commissions to apply to commissions issued by foreign Courts.

78. The provisions as to the execution and return of commissions *for the examination of witnesses* shall apply to commissions issued by—

(*a*) Courts situate beyond the limits of British India and established *or continued* by the authority of *His* Majesty or of the Governor General in Council, or

(*b*) Courts situate in any part of the British Empire other than British India, or

(*c*) Courts of any foreign country for the time being in alliance with *His* Majesty.

PART IV.

SUITS IN PARTICULAR CASES.

SUITS BY OR AGAINST THE GOVERNMENT OR PUBLIC OFFICERS IN THEIR OFFICIAL CAPACITY.

[S. 416.] Suits by or against Secretary of State in Council.

79. Suits by or against the Government shall be instituted by or against (as the case may be) the Secretary of State for India in Council.

[S. 424.] Notice previous to suing Secretary of State in Council or public officer.

80. No suit shall be instituted against the Secretary of State *for India* in Council, or against a public officer in respect of *any act* purporting to be done by *such public officer* in his official capacity, until the expiration of two months next after notice in writing has been, in the case of the Secretary of State in Council, delivered to, or left at the office of, a Secretary to the Local Government or the Collector of the district, and, in the case of a public officer, delivered to him or left at his office, stating the cause of action, the name, *description* and place of residence of the plaintiff and the relief which he claims; and the plaint *shall* contain a statement that such notice has been so delivered or left.

[Ss. 425, 428.] Exemption of public officer from *arrest and* personal appearance.

81. In a suit *instituted* against a public officer in respect of *any* act *purporting to be done by him in his official capacity—*

(*a*) *the defendant shall not be liable to arrest nor his property to attachment otherwise than in execution of a decree, and,*

(*b*) *where* the Court *is satisfied* that *the defendant* cannot absent himself from his duty without detriment to the public service, *it* shall exempt *him* from appearing in person.

[S. 29.] Procedure where decree against Government or public officer.

82. (*1*) *Where* the decree is against the Secretary of State *for India* in Council or against a public officer in respect of *any such act as aforesaid,* a time shall be specified in the decree within which it shall be satisfied; and, if the decree is not satisfied within the time so specified, the Court shall report the case for the orders of the Local Government.

(*2*) Execution shall not *be* issued on any such decree unless it remains unsatisfied for the period of three months computed from the date of *such* report.

SUITS BY ALIENS AND BY OR AGAINST FOREIGN AND NATIVE RULERS.

[S. 430.] When aliens may sue.

83. (*1*) Alien enemies residing in British India with the permission of the Governor General in Council, and alien friends, may sue in the Courts of British India, as if they were subjects of *His* Majesty.

(*2*) No alien enemy residing in British India without such permission, or residing in a foreign country, shall sue in any of such Courts.

Explanation.—Every person residing in a foreign country the Government of which is at war with the United Kingdom of Great Britain and Ireland, and carrying on business in that country without a license in that behalf under the hand of one of *His* Majesty's Secretaries of State or of a Secretary to the Government of India, shall, for *the* purpose of *sub-section* (*2*), be deemed to be an alien enemy residing in a foreign country.

The Code of Civil Procedure Bill.

(Part IV.—Suits in Particular Cases.—Suits by Aliens and by or against Foreign and Native Rulers.—Clauses 84-87. Interpleader.—Clause 88. Part V.—Special Proceedings.—Arbitration.—Clause 89.)

[S. 431.] 84. (*1*) A foreign State may sue in *any* Court of British India:

When foreign States may sue.

Provided that it has been recognized by *His* Majesty or *by* the Governor General in Council:

Provided, also, that the object of the suit is to enforce *a* private right *vested in* the head *of such* foreign State *or in any officer of such State in his public capacity.*

(*2*) *Every* Court shall take judicial notice of the fact that a foreign State has *or has* not been recognized by *His* Majesty or by the Governor General in Council.

[S. 432.] 85. (*1*) Persons specially appointed by order of *the* Government at the request of any sovereign prince or ruling chief, whether in subordinate alliance with the British Government or otherwise, and whether residing within or without British India, or at the request of any person competent, in the opinion of the Government, to act on behalf of such prince or chief, to prosecute or defend any suit on his behalf, shall be deemed to be the recognized agents by whom appearances, acts and applications under this Code may be made or done on behalf of such prince or chief.

Persons specially appointed by Government to prosecute or defend for princes or chiefs.

(*2*) An appointment under this section may be made for the purpose of a specified suit or of several specified suits, or for the purpose of all such suits as it may from time to time be necessary to prosecute or defend on behalf of the prince or chief.

(*3*) A person appointed under this section may authorize or appoint persons to make appearances *and* applications and *do* acts in any such suit or suits as if he were himself a party thereto.

[S. 433.] 86. (*1*) Any such prince or chief, and any ambassador or envoy of a foreign State, may, with the consent of the Governor General in Council, certified by the signature of a Secretary to the Government of India, but not without such consent, be sued in any competent Court.

Suits against princes, chiefs, ambassadors and envoys.

(*2*) Such consent may be given with respect to a specified suit or to several specified suits, or with respect to all suits of any specified class or classes, and may specify, in the case of any suit or class of suits, the Court in which the prince, chief, ambassador or envoy may be sued; but it shall not be given unless *it appears to the Government that* the prince, chief, ambassador or envoy—

(*a*) has instituted a suit in the Court against the person desiring to sue him, or

(*b*) by himself or another trades within the local limits of the jurisdiction of the Court, or

(*c*) is in possession of immoveable property situate within those limits and is to be sued with reference to such possession or for money charged on that property.

(*3*) No such prince, chief, ambassador or envoy shall be arrested under this Code, and, except with the consent of the Governor General in Council certified as aforesaid, no decree shall be executed against the property of any such prince, chief, ambassador or envoy.

(*4*) The Governor General in Council may, by notification in the Gazette of India, authorize a Local Government and *any* Secretary to that Government to exercise, with respect to any prince, chief, ambassador or envoy named in the notification, the functions assigned by the foregoing sub-sections to the Governor General in Council and a Secretary to the Government of India, respectively.

(*5*) A person may, as a tenant of immoveable property, sue, without such consent as is mentioned in this section, a prince, chief, ambassador or envoy from whom he holds or claims to hold the property.

87. A sovereign prince or ruling chief may sue, and shall be sued, in the name of his State: [S. 434.]

Style of princes and chiefs as parties to suits.

Provided that in giving the consent referred to in *the foregoing* section the Governor General in Council or *the* Local Government, as the case may be, may direct that any such prince or chief shall be sued in the name of an agent or in any other name.

INTERPLEADER.

88. *Where* two or more persons claim adversely to one another the same *debt, sum of money or other* property, *moveable or immoveable,* from another person, *who claims no* interest therein *other than for charges or costs* and who is ready to *pay or deliver* it to the right*ful claimant*, such *other person* may institute a suit of interpleader against all the claimants for the purpose of obtaining a decision as to *the person to* whom the payment or *delivery shall* be made, and of obtaining indemnity for himself: [S. 470.]

Where interpleader-suit may be instituted.

Provided that *where* any suit is pending in which the rights of all parties can properly be decided, *no such* suit of interpleader shall *be* instituted.

PART V.

SPECIAL PROCEEDINGS.

ARBITRATION.

89. (*1*) *Save so far as otherwise provided by the Indian Arbitration Act, 1899, all references to arbitration, whether by an order in a suit or otherwise, and all proceedings thereunder, shall be governed by the provisions contained in the Second Schedule.* [S. 506.] IX of 1899.

Arbitration.

(*2*) *The provisions of the Second Schedule shall not affect any arbitration pending at the commencement of this Code, but shall apply*

The Code of Civil Procedure Bill.

(Part V.—Special Proceedings.—Special Case.—Clause 90. Suits relating to Public Matters.—Clauses 91-93.)

(Part VI.—Supplemental Proceedings.—Clauses 94-95.)

to any arbitration after that date under any agreement or reference made before the commencement of this Code.

SPECIAL CASE.

[S. 527.] 90. *Where any persons agree in writing to state a case for the opinion of the Court, then the Court shall try and determine the same in the manner prescribed.*

Power to state case for opinion of Court.

SUITS RELATING TO PUBLIC MATTERS.

[New.] 91. (*1*) *In the case of a public nuisance the Advocate General, or two or more persons having obtained the consent in writing of the Advocate General, may institute a suit, though no special damage has been caused, for a declaration and injunction or for such other relief as may be appropriate to the circumstances of the case.*

Public nuisances.

(*2*) *Nothing in this section shall be deemed to limit or otherwise affect any right of suit which may exist independently of its provisions.*

[S. 539.] 92. (*1*) In the case of any alleged breach of any express or constructive trust created for public purposes *of a* charitable or religious *nature*, or where the direction of the Court is deemed necessary for the administration of any such trust, the Advocate General, or two or more persons having an interest in the trust and having obtained the consent in writing of the Advocate General, may institute a suit, *whether contentious or not*, in the *principal Civil Court of original jurisdiction* within the local limits of whose jurisdiction the whole or any part of the subject-matter of the trust is situate to obtain a decree—

Public charities.

(*a*) *removing any trustee;*
(*b*) appointing *a* new *trustee or* new trustees;
(*c*) vesting any property in the trustees;
(*d*) *directing accounts and enquiries;*
(*e*) declaring *what* proportion *of, or interest in, the trust-property shall be allocated to any particular object of the trust;*
(*f*) authorizing the whole or any part of *the trust*-property to be let, sold, mortgaged or exchanged;
(*g*) settling a scheme ; *or*
(*h*) granting such further or other relief as the nature of the case may require.

XX of 1863. (*2*) *Save as provided by section 14 of the Religious Endowments Act, 1863, no suit claiming any of the reliefs specified in sub-section* (*1*) *shall be instituted in respect of any such trust as is therein referred to except in conformity with the provisions of that sub-section.*

[S. 539, last paragraph.] 93. The powers conferred by sections 91 and 92 on the Advocate General may, outside the Presidency-towns, be, with the previous sanction of the Local Government, exercised also by the Collector or by such officer as the Local Government may appoint in this behalf.

Exercise of powers of Advocate General outside Presidency-towns.

PART VI.

SUPPLEMENTAL PROCEEDINGS.

94. *In order to prevent the ends of justice from being defeated the Court may at any stage of the suit, if it is so prescribed,—* [New.]

Supplemental proceedings.

(*a*) *issue a warrant to arrest the defendant and bring him before the Court to show cause why he should not give security for his appearance to satisfy any decree that may be passed against him in the suit and if he fail to comply with any order for security commit him to the civil prison;*

(*b*) *direct the defendant to furnish security to produce any property belonging to him and to place the same at the disposal of the Court or to order the attachment of any property;*

(*c*) *grant a temporary injunction and in case of disobedience commit the person guilty thereof to the civil prison and order that his property be attached and sold;*

(*d*) *appoint a receiver of any property and enforce the performance of his duties by committing him to the civil prison and by attaching and selling his property;*

(*e*) *make such other interlocutory orders as may appear to the Court to be just and convenient.*

95. (*1*) *Where*, in any suit in which an arrest or attachment has been effected *or a temporary injunction granted,—* [Ss. 491, 497.]

Compensation for obtaining arrest attachment or injunction on insufficient grounds.

(*a*) it appears to the Court that such arrest, attachment *or injunction* was applied for on insufficient grounds, *or*

(*b*) the suit of the plaintiff fails and it appears to the Court that there was no probable ground for instituting the *same*,

the defendant may apply to the Court, and the Court may, *upon such* application, award against the plaintiff *by* its *order* such amount, not exceeding one thousand rupees, as it deems a reasonable compensation to the defendant for the expense or injury caused to him:

Provided that *a* Court shall not award, under this section, *an* amount *exceeding the limits of its pecuniary jurisdiction.*

(*2*) *An order determining any such application* shall bar any suit for compensation in respect of such arrest, attachment or *injunction*.

The Code of Civil Procedure Bill.

(Part VII.—Appeals.—Appeals from Original Decrees.—Clauses 95-99. Appeals from Appellate Decrees.—Clauses 100-103) Appeal from Orders. Clause 104.

PART VII.

APPEALS.

APPEALS FROM ORIGINAL DECREES.

[S. 540.] 96. (*1*) *Save where* otherwise expressly provided *in the body of* this Code or by any other law for the time being in force, an appeal shall lie from the decrees, or from any part of the decrees, of the Courts exercising original jurisdiction to the Courts authorized to hear appeals from the decisions of those Courts.

Appeal to lie from all original decrees, except when expressly prohibited.

(*2*) An appeal may lie from an original decree passed *ex parte.*

[Cf. 36 & 37 Vict., c. 66, s. 49.] (*3*) *No appeal shall lie on a matter of costs only where by law such costs are left to the discretion of the Court, except by leave of the Appellate Court obtained on an application accompanied by a memorandum of appeal.*

(*4*) *No appeal shall lie from a decree passed by the Court with the consent of parties.*

[New.] 97. *Where any party aggrieved by a preliminary decree passed after the commencement of this Code does not appeal from such decree, he shall be precluded from disputing its correctness in any appeal which may be preferred from the final decree.*

Appeal from final decree where no appeal from preliminary decree.

[S. 575.] 98. (*1*) *Where an* appeal is heard by a Bench of two or more Judges, the appeal shall be decided in accordance with the opinion of such Judges or of the majority (if any) of such Judges.

Decision where appeal heard by two or more Judges.

(*2*) *Where* there *is* no such majority which concurs in a judgment varying or reversing the decree appealed *from*, such decree shall be affirmed:

Provided that *where* the Bench hearing the appeal is composed of two Judges belonging to a Court consisting of more than two Judges, and the Judges composing the Bench differ in opinion on a point of law, *they may state the point of law upon which they differ and* the appeal *shall then be argued upon that point only before* one or more of the other Judges, and shall be decided according to the opinion of the majority (if any) of the Judges who have heard the appeal, including those who first heard it, *and* where there is no such majority, the decree appealed *from* shall be affirmed.

[S. 578.] 99. No decree shall be reversed or substantially varied, nor shall any case be remanded, in appeal on account of *any misjoinder of parties or causes of action or of* any error, defect or irregularity *in any proceeding in the suit* not affecting the merits of the case or the jurisdiction of the Court.

No decree to be reversed or modified for error or irregularity not affecting merits or jurisdiction.

APPEALS FROM APPELLATE DECREES.

[S. 584.] 100. (*1*) *Save where* otherwise *expressly* provided *in the body of* this Code or by any other law *for the time being in force*, an appeal shall lie to the High Court from *every* decree passed in appeal by any Court subordinate to a High Court, on any of the following grounds, namely:—

Second appeals to High Court. Grounds of second appeal.

(*a*) the decision being contrary to law or *to* some usage having the force of law;

(*b*) the decision having failed to determine some material issue of law or usage having the force of law;

(*c*) a substantial error or defect in the procedure *provided* by this Code or *by* any other law *for the time being in force*, which may possibly have produced error or defect in the decision of the case upon the merits.

(*2*) An appeal may lie under this section from an appellate decree passed *ex parte.*

101. No second appeal shall lie except on the grounds mentioned in section 101. [S. 585.]

Second appeal on no other grounds.

102. No second appeal shall lie in any suit of the nature cognizable in Courts of Small Causes, when the amount or value of the subject-matter of the original suit does not exceed five hundred rupees. [S. 586.]

No second appeal in certain suits.

103. *In any second appeal, the High Court may, if the evidence on the record is sufficient, determine any issue of fact necessary for the disposal of the appeal but not determined by the lower appellate Court.* [New.]

Power of High Court to determine issues of fact.

APPEALS FROM ORDERS.

104. (*1*) *An appeal shall lie from the following orders, and save as otherwise expressly provided in the body of this Code or by any law for the time being in force from no other orders:—* [36 & 37 Vict., c. 66, s. 19; s. 588, second para.]

Appeals from orders.

(*a*) *an order superseding an arbitration where the award has not been completed within the period allowed by the Court;*

(*b*) *an order modifying or correcting an award;*

(*c*) *an order filing or refusing to file an agreement to refer to arbitration;*

(*d*) *an order staying or refusing to stay a suit where there is an agreement to refer to arbitration;*

(*e*) *an order filing or refusing to file an award in an arbitration without the intervention of the Court;*

(*f*) *an order under section 95;*

(*g*) *an order under any of the provisions of this Code imposing a fine or directing the arrest or detention in the civil prison of any person except where such detention is in execution of a decree;*

(*h*) *any order made under rules from which an appeal is expressly allowed by*

The Code of Civil Procedure Bill.

(Part VII.—Appeals.—Appeals from Orders.—Clauses 105-106. General Provisions relating to Appeals.—Clauses 107-108. Appeals to the King in Council.—Clause 109-112.)

(2) *No appeal shall lie from any order passed in appeal under this section.*

[S. 591.] 105. (1) *Save* as *otherwise expressly* provided, no appeal shall lie from any order *made* by *a* Court in the exercise of its original or appellate jurisdiction; but, *where a decree is appealed from*, any error, defect or irregularity in any order, affecting the decision of the case, may be set forth as a ground of objection in the memorandum of appeal.

No other appeal from orders; but error therein may be set forth in memorandum of appeal against decree.

(2) *Notwithstanding anything contained in sub-section (1), where any party aggrieved by an order of remand made after the commencement of this Code from which an appeal lies does not appeal therefrom, he shall thereafter be precluded from disputing its correctness.*

[S. 589.] 106. *Where* an appeal from any order is allowed, it shall lie to the Court to which an appeal would lie from the decree in the suit in which such order was made, or *where* such order is *made* by a Court (not being a High Court) in the exercise of appellate jurisdiction, then to the *High* Court.

What Courts to hear appeals.

GENERAL PROVISIONS RELATING TO APPEALS.

[S. 582, first part.] 107. The Appellate Court shall have the same powers and shall perform as nearly as may be the same duties as are conferred and imposed by this Code on Courts of original jurisdiction in respect of suits instituted *therein.*

Appellate Court to have same powers as Court of original jurisdiction.

[S. 587, 590.] 108. The provisions *of this Part relating to appeals from original decrees* shall, *so* far as may be, apply to appeals—

Procedure in appeals from appellate decrees and orders.

(*a*) *from appellate decrees, and*

(*b*) *from orders made under this Code or under any special or local law in which a different procedure is not provided.*

APPEALS TO THE *KING* IN COUNCIL.

[S. 595.] 109. Subject to such rules as may, from time to time, be made by *His* Majesty in Council regarding appeals from the Courts of British India, and to the provisions hereinafter contained, an appeal shall lie to *His* Majesty in Council—

When appeals lie to *King* in Council.

(*a*) from any decree *or* final *order* passed on appeal by a High Court or *by* any other Court of *final* appellate jurisdiction;

(*b*) from any decree *or* final *order* passed by a High Court in the exercise of original civil jurisdiction; and

(*c*) from any decree *or order*, when the case, as hereinafter provided, is certified to be a fit one for appeal to *His* Majesty in Council.

110. In each of the cases mentioned in clauses (*a*) and (*b*) of section 109, the amount or value of the subject-matter of the suit in the Court of first instance must be ten thousand rupees or upwards, and the amount or value of the *subject*-matter in dispute on appeal to *His* Majesty in Council must be the same sum or upwards, [S. 596.]

Value of subject-matter.

or the decree *or final order* must involve directly or indirectly, some claim or question to or respecting property of like amount or value,

and where the decree *or final order* appealed from affirms the decision of the Court immediately below the Court passing such decree *or final order*, the appeal must involve some substantial question of law.

111. Notwithstanding anything contained in section 109, no appeal shall lie to *His* Majesty in Council— [S. 597.]

Bar of certain appeals.

(*a*) from the *decree or order* of one Judge of a High Court established under the *Indian High Courts Act, 1861*, or of one Judge of a Division Court, or of two or more Judges of such High Court, or of a Division Court constituted by two or more Judges of such High Court, *where* such Judges are equally divided in opinion, and do not amount in number to a majority of the whole of the High Court at the time being; and 24 & 25 Vict. c. 104.

(*b*) from any decree *from* which under section 102 *no second appeal lies.* [S. 616.]

Saving of *His* Majesty's pleasure, and of rules for conduct of business before Judicial Committee.

112. (1) Nothing contained *in this Code* shall be *deemed*—

(*a*) to bar the full and unqualified exercise of *His* Majesty's pleasure in receiving or rejecting appeals to *His* Majesty in Council, or otherwise howsoever, or

(*b*) to interfere with any rules made by the Judicial Committee of the Privy Council, and for the time being in force, for the presentation of appeals to *His* Majesty in Council, or their conduct before the said Judicial Committee.

(2) Nothing *herein contained* applies to any matter of criminal or admiralty or vice-admiralty jurisdiction, or to appeals from orders and decrees of Prize Courts.

The Code of Civil Procedure Bill.

(Part VIII.—Reference, Review and Revision.—Clauses 113-115. Part IX.—Special Provisions relating to the Chartered High Courts.—Clauses 116-123.)

PART VIII.

REFERENCE, REVIEW AND REVISION.

[S. 617.] 113. *Subject to such conditions and limitations as may be prescribed, any* Court may *state a* case and refer *the same* for the opinion of the High Court, *and the High Court may make such order thereon as it thinks fit.*

Reference of question to High Court.

[S. 623.] 114. *Subject as aforesaid,* any person considering himself aggrieved—

Application for review of judgment.

(*a*) by a decree or order from which an appeal is allowed *by this Code,* but from which no appeal has been preferred,

(*b*) by a decree or order from which no appeal is allowed *by this Code,* or

(*c*) by a *decision* on a reference from a Court of Small Causes,

may apply for a review of judgment to the Court which passed the decree or made the order, *and the Court may make such order thereon as it thinks fit.*

[S. 622.] 115. The High Court may call for the record of any case *which has been decided by any Court subordinate to such High Court and* in which no appeal lies *thereto,* and *if* ***such*** *subordinate* Court appears—

Power of High Court to call for record of cases not appealable to High Court.

(*a*) to have *exercised* a jurisdiction *not vested* in it by law, or

(*b*) to have failed to exercise a jurisdiction so vested, or

(*c*) *to have acted in the exercise of its jurisdiction illegally or with material irregularity,*

the High Court may make such order *in the case* as *it thinks fit.*

PART IX.

SPECIAL PROVISIONS RELATING TO THE CHARTERED HIGH COURTS.

[S. 631.] 116. This *Part* applies only to High Courts which are or may hereafter be established under the

Part to apply only to certain High Courts.

24 & 25 Vict. c. 104. *Indian High Courts Act, 1861.*

[S. 632.] 117. *Save* as provided in *this Part or in Part X or in rules,* the provisions of this Code *shall* apply to such High Courts.

Application of Code to High Courts.

[S. 634.] 118. *Where any such* High Court considers it necessary that a decree *passed* in the exercise of its original civil jurisdiction should be *executed* before the amount of the costs incurred in the suit can be ascertained by taxation, the Court may order that the decree shall be executed forthwith, except as to so much thereof as relates to the costs;

Power to order execution of decree before ascertainment of costs, and execution for costs subsequently.

and, as to so much thereof as relates to the costs, that the decree may be executed as soon as the amount of the costs shall be ascertained by taxation.

119. Nothing in this Code shall be deemed to authorize any person on behalf of another to address the Court in the exercise of its original civil jurisdiction, or to examine witnesses, except *where* the Court shall have in the exercise of the power conferred by its charter authorized him so to do, or to interfere with the power of the High Court to make rules concerning advocates, vakils and attorneys. [S. 635.]

Unauthorized persons not to address Court.

120. (*1*) The following *provisions* shall not apply to the High Court in the exercise of its original civil jurisdiction, namely, *sections 16, 17 and 20.* [S. 638.]

Provisions not applying to High Court in original civil jurisdiction.

(*2*) Nothing in this Code shall extend or apply to any Judge of a High Court in the exercise of jurisdiction as an Insolvent Court. [S. 639.]

Code not to affect High Court in exercise of insolvent jurisdiction.

PART X.

RULES.

121. *The rules in the First Schedule shall have effect as if enacted in the body of this Code until annulled or altered in accordance with the provisions of this Part.* [New]

Effect of rules in First Schedule.

122. *High Courts established under the Indian High Courts Act, 1861, and the Chief Courts, of the Punjab and Lower Burma, may, subject to such provisions, from time to time make rules relating to the procedure of Civil Courts, and may by such rules annul, alter or add to all or any of the rules in the First Schedule.* [New.] 24 & 25 Vict., c. 104.

Power to make rules.

123. (*1*) *A Committee, to be called the Rule Committee, shall be constituted at each of the towns of Calcutta, Madras, Bombay, Allahabad, Lahore and Rangoon.* [New]

Constitution of Rule Committees in certain Provinces.

(*2*) *Each such Committee shall consist of the following persons, namely :—*

(*a*) *three Judges of the High Court established at the town at which such Committee is constituted, one of whom at least has served as a District Judge or (in the Punjab or Burma) a Divisional Judge for three years,*

The Code of Civil Procedure Bill.

(Part X.—Rules.—Clauses 124-128.)

(*b*) *a barrister practising in that Court,*

(*c*) *an advocate (not being a barrister) or vakil or pleader practising in that Court, and*

(*d*) *in the towns of Calcutta, Madras and Bombay, an attorney.*

(3) *The members of each such Committee shall be appointed by the Chief Justice or Chief Judge, who shall also nominate one of their number to be president :*

Provided that, if the Chief Justice or Chief Judge elects to be himself a member of a Committee, the number of other Judges appointed to be members shall be two, and the Chief Justice or Chief Judge shall be the President of the Committee.

(4) *Each member of any such Committee shall hold office for such period as may be prescribed by the Chief Justice or Chief Judge in this behalf; and whenever any member retires, resigns, dies or ceases to reside in the province in which the Committee was constituted, or becomes incapable of acting as a member of the Committee, the said Chief Justice or Chief Judge may appoint another person to be a member in his stead.*

(5) *There shall be a Secretary to each such Committee, who shall be appointed by the Chief Justice or Chief Judge and shall receive such remuneration as may be provided in this behalf by the Governor General in Council or by the Local Government, as the case may be.*

[New.] **124.** *Every Rule Committee shall make a report to the High Court established at the town at which it is constituted on any proposal to annul, alter or add to the rules in the First Schedule or to make new rules, and before making any rules under the provisions of this Code the High Court shall take such report into consideration.*

Committee to report to High Court.

[New.] **125.** *High Courts, other than those specified in section 122, may exercise the powers conferred by that section in such manner and subject to such conditions as the Governor General in Council may determine :*

Powers of certain High Courts.

Provided that any such High Court may, with the previous sanction of the Local Government and after publication in the local official Gazette, extend within the local limits of its jurisdiction any rules which have been made and sanctioned under the provisions of this Part by any other High Court.

[New.] **126.** *Rules made under the foregoing provisions shall be subject to the previous sanction of the following authorities, namely :—*

Rules subject to sanction.

24 & 25 Vict., c. 104. (*a*) *if the rule is made by a High Court established under the Indian High Courts Act, 1861, to the sanction of the authority prescribed by section 15 of that Act for rules made under that section,*

(*b*) *if the rule is made by any other High Court, to the sanction of the Local Government.*

127. *Rules made and sanctioned in accordance with the foregoing provisions shall be published in the Gazette of India or in the local official Gazette, as the case may be, and shall thereupon have the same force and effect, within the local limits of the jurisdiction of the High Court which made them, as if they had been contained in the First Schedule.* [New.]

Publication of rules.

128. (*1*) *Rules made under the above provisions shall be not inconsistent with the provisions in the body of this Code, but, subject thereto, may provide for any matters relating to the procedure of Civil Courts.* [O. 3, r. 6.]

Matters for which rules may provide.

(*2*) *In particular, and without prejudice to the generality of the powers conferred by sub-section (1), such rules may provide for all or any of the following matters, namely :—*

(*a*) *the service of summonses, notices and other processes by post or in any other manner either generally or in any specified areas, and the proof of such service ;*

(*b*) *the maintenance and custody, while under attachment, of live-stock and other moveable property, the fees payable for such maintenance and custody, the sale of such live-stock and property and the proceeds of such sale ;*

(*c*) *proceedings in suits by way of counter-claim, and the valuation of such suits for the purposes of jurisdiction ;*

(*d*) *procedure in garnishee and charging orders either in addition to, or in substitution for, the attachment and sale of debts ;*

(*e*) *procedure where the defendant claims to be entitled to contribution or indemnity over against any person whether a party to the suit or not ;*

(*f*) *summary procedure in suits in which the plaintiff seeks only to recover a debt or liquidated demand in money payable by the defendant, with or without interest, arising—*

(*i*) *on a contract express or implied ; or*

(*ii*) *on an enactment where the sum sought to be recovered is a fixed sum of money or in the nature of a debt other than a penalty, or*

(*iii*) *on a guarantee, where the claim against the principal is in respect of a debt or a liquidated demand only, or*

(*iv*) *on a trust ; or*

The Code of Civil Procedure Bill.

(Part X.—Rules.—Clauses 129-131. Part XI.—Miscellaneous.—Clause 132-135.)

(*v*) *in suits for the recovery of immoveable property, with or without a claim for rent or mesne profits, by a landlord against a tenant whose term has expired or has been duly determined by notice to quit, or has become liable to forfeiture for non-payment of rent, or against persons claiming under such tenant;*

(*g*) *procedure by way of originating summons;*

(*h*) *consolidation of suits, appeals and other proceedings;*

(*i*) *delegation to any Registrar, Prothonotary or Master or other official of the Court of any judicial, quasi-judicial and non-judicial duties; and*

(*j*) *all forms, registers, books, entries and accounts which may be necessary or desirable for the transaction of the business of Civil Courts.*

[S. 652, third para.] [24 & 25 Vict., c. 104.]

Power of Chartered High Courts to make rules as to their own original civil procedure.

129. Notwithstanding anything in this Code, any High Court established under the *Indian High Courts Act*, *1861*, may make such rules *not in*consistent with the Letters Patent establishing it to regulate its own procedure in the exercise of its original civil jurisdiction as it shall think fit, *and nothing herein contained shall affect the validity of any rules in force at the commencement of this Code.*

[S. 652, second para.] [24 & 25 Vict., c. 104.]

Power of certain High Courts to make rules as to matters other than procedure.

130. A High Court not established under the *Indian High Courts Act*, *1861*, may, with the previous sanction of the Local Government, make, with respect to any matter other than procedure, any rule which any High Court so established might, under section 15 of that *Act*, make with respect to any such matter for any part of the territories under its jurisdiction which is not included within the limits of a Presidency-town.

[S. 652, fourth para.]

Sanctioning and publication of rules.

131. Rules *made in accordance with section 129 or section 130* shall be published *in the Gazette of India or* in the local official Gazette, *as the case may be*, and shall thereupon have the force of law.

PART XI.

MISCELLANEOUS.

[S. 640.]

Exemption of certain women from personal appearance.

132. (*1*) Women who, according to the customs and manners of the country, ought not to be compelled to appear in public shall be exempt from personal appearance in Court.

(*2*) Nothing herein contained shall be deemed to exempt such women from arrest in execution of civil process in any case in which the arrest of women is not prohibited by this Code.

Local Government may exempt certain persons from personal appearance.

133. (*1*) The Local Government may, by notification in the *local* official Gazette, exempt from personal appearance in Court any person whose rank, in the opinion of such Government, entitles him to the privilege of exemption.

Lists of names of persons exempted to be kept in Courts.

(*2*) The names and residences of the persons so exempted shall, from time to time, be forwarded to the High Court by the Local Government and a list of such persons shall be kept in such Court, and a list of such persons as reside within the local limits of the jurisdiction of each Court subordinate to the High Court shall be kept in such subordinate Court.

Costs of commission rendered necessary by claiming privilege.

(*3*) *Where* any person so exempted claims the privilege of such exemption, and it is consequently necessary to examine him by commission, he shall pay the costs of that commission, unless the party requiring his evidence pays such costs.

[S. 642.]

Persons exempt from arrest under civil process.

134. (*1*) No Judge, Magistrate or other judicial officer shall be liable to arrest under civil process while going to, presiding in, or returning from, his Court.

(*2*) Where any matter is pending before a tribunal having jurisdiction therein, or believing in good faith that it has such jurisdiction, the parties thereto, their pleaders, mukhtars, revenue-agents and recognized agents, and their witnesses acting in obedience to a summons, shall be exempt from arrest under civil process *other than process issued by such tribunal for contempt of Court* while going to or attending such tribunal for the purpose of such matter, and while returning from such tribunal.

(*3*) *Nothing in sub-section* (*2*) *shall enable a judgment-debtor to claim exemption from arrest under an order for immediate execution or where such judgment-debtor attends to show cause why he should not be committed to prison in execution of a decree.*

[S. 641.]

Language of subordinate Courts.

135. (*1*) The language which, *on the commencement of* this Code, is the language of any Court subordinate to a High Court, shall continue to be the language of such subordinate Court until the Local Government otherwise *directs.*

(*2*) *The* Local Government *may* declare what shall be the language of *any* such Court *and in what character applications to and proceedings in such Court shall be written.*

(*3*) *Where this Code requires or allows anything other than the recording of evidence to be done in writing in any such Court, such writing may be in English; but if any party or his pleader is unacquainted with English, a translation into the language of the Court shall, at his request, be supplied to him; and the Court shall make such order as it thinks fit in respect of the payment of the costs of such translation.*

The Code of Civil Procedure Bill.

(*Part XI.—Miscellaneous.—Clauses 136-143.*)

[S. 185A. **136.** (*1*) The Local Government may, by notification in the *local* official Gazette, direct with respect to any Judge specified in the notification, or falling under a description set forth therein, that evidence in cases in which an appeal is allowed shall be taken down by him in the English language *and in manner prescribed.*

Power for Local Government to require evidence to be recorded in English.

(*2*) Where a Judge is prevented by any sufficient reason from complying with a direction under sub-section (*1*) he shall record the reason and cause the evidence to be taken down in writing from his dictation in open Court.

[S. 197.] **137.** In the case of any affidavit under this Code—

Oath on affidavit by whom to be administered.

(*a*) any Court or Magistrate, or

(*b*) any officer *or other person* whom a High Court may appoint in this behalf, or

(*c*) any officer appointed by any other Court which the Local Government has generally or specially empowered in this behalf,

may administer the oath *to the deponent.*

[S. 645A.] **138.** (*1*) In any Admiralty or Vice-Admiralty cause of salvage, towage or collision, the Court, whether it be exercising its original or its appellate jurisdiction, may, if it thinks fit, and shall upon request of either party to such cause, summon to its assistance, in such manner as *it* may direct *or as may be prescribed*, two competent assessors; and such assessors shall attend and assist accordingly.

Assessors in causes of salvage, etc.

(*2*) Every such assessor shall receive such fees for his attendance, *to* be paid by such of the parties as the Court may direct *or as may be prescribed.*

[S. 647.] **139.** The procedure *provided in this Code in regard to suits* shall be followed, as far as it can be made applicable, in all proceedings in any Court of civil jurisdiction.

Miscellaneous proceedings.

[S. 583.] **140.** *Where and in so far as a decree is varied or reversed, the Court of first instance shall, on the application of any party entitled to any benefit by way of restitution or otherwise, cause such restitution to be made as will, so far as may be, place the parties in the position which they would have occupied but for such decree or such part thereof as has been varied or reversed; and, for this purpose, the Court may make any orders, including orders for the refund of costs and for the payment of interest, damages, compensation and mesne profits, which are properly consequential on such variation or reversal.*

Application for restitution.

[S. 648.] **141.** (*1*) Where *an application is made* that any person shall be arrested or that any property shall be attached under any provision of this Code not relating to the execution of decrees, and such person resides or *such* property is situate outside the local limits of *the* jurisdiction *of the Court to which the application is made*, the Court may, in its discretion, issue a warrant of arrest or make an order of attachment, and send to the District Court within the local limits of whose jurisdiction such person or property resides or is situate a copy of the warrant or order, together with the probable amount of he costs of the arrest or attachment.

Procedure when person to be arrested or property to be attached is outside district.

(*2*) The District Court shall, on receipt of such copy and amount, cause the arrest or attachment to be made by its own officers, or by a Court subordinate to itself, and shall inform the Court which issued or made such warrant or order of the arrest or attachment.

(*3*) The Court making an arrest under this section shall send the person arrested to the Court by which the warrant of arrest was issued, unless he shows cause to the satisfaction of the former Court why he should not be sent to the latter Court, or unless he furnishes sufficient security for his appearance before the latter Court or for satisfying any decree that may be passed against him by that Court, in either of which cases the Court making the arrest shall release him.

(*4*) Where a person to be arrested or moveable property to be attached under this section is within the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at Fort William in Bengal or at Madras or *at* Bombay, or of the Chief Court of Lower Burma, the copy of the warrant of arrest or of the order of attachment, and the probable amount of the costs of the arrest or attachment, shall be sent to the Court of Small Causes of Calcutta, Madras, Bombay or Rangoon, as the case may be, and that Court, on receipt of the copy and amount, shall proceed as if it were the District Court.

142. *Where any* person has become liable as surety— [S. 253.

Enforcement of liability of surety.

(*a*) for the performance of *any decree* or any part thereof, *or*

(*b*) *for the restitution of any property taken in execution of a decree,* or

(*c*) *for the payment of any money, or for the fulfilment of any condition imposed on any person, under an order of the Court in any suit or in any proceeding consequent thereon,*

the decree *or order* may be executed against him, to the extent to which he has rendered himself *personally* liable, in the manner *herein provided for the execution of decrees, and such person shall, for the purposes of appeal, be deemed a party within the meaning of section 47:*

Provided that such notice in writing as the Court in each case thinks sufficient has been given to the surety.

143. *Save as otherwise provided by this Code or by any law for the time being in force, where any proceeding may be* [New.]

Proceedings by or against representatives.

The Code of Civil Procedure Bill.

(Part XI.—Miscellaneous.—Clauses 144-155.)

taken or application made by or against any person, then the proceeding may be taken or the application may be made by or against any person claiming under him.

[New.] 144. *In all suits to which any person under disability is a party any consent or agreement as to any proceeding shall, if given or made with the express leave of the Court by the next friend or guardian for the suit, have the same force and effect as if such person were under no disability and had given such consent or made such agreement.*

Consent or agreement by persons under disability.

[New.] 145. *Where any period is fixed or granted by the Court for the doing of any act prescribed or allowed by this Code, the Court may, in its discretion, from time to time enlarge such period, even though the period originally fixed or granted may have expired.*

Enlargement of time.

[New.] 146. *Where the whole or any part of any fee prescribed by the law for the time being in force relating to Court-fees has not been paid, the Court may, in its discretion, at any stage, allow the person, by whom such fee is payable, to pay the whole or part, as the case may be, of such court-fee: and upon such payment the act, in respect of which such fee is payable, shall have the same force and effect as if such fee had been paid when the act was done.*

Power to make up deficiency of court-fees.

[New.] 147. *Save as otherwise provided, where the business of any Court is transferred to any other Court, the Court to which the business is so transferred shall have the same powers and shall perform the same duties as those respectively conferred and imposed by or under this Code upon the Court from which the business was so transferred.*

Transfer of business.

[New.] 148. *Nothing in this Code shall be deemed to limit or otherwise affect the inherent power of the Court to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the Court.*

Saving of inherent power of Court to make orders necessary for ends of justice or prevent abuse of procedure.

149. *Clerical or arithmetical mistakes in judgments, decrees or orders or errors arising therein from any accidental slip or omission may at any time be corrected by the Court either of its own motion or on the application of any of the parties.* [O. 28, r. 11]

Amendment of judgments, decrees or orders.

150. *The Court may at any time, and on such terms as to costs or otherwise as it may think fit, amend any defect or error in any proceeding in a suit; and all necessary amendments shall be made for the purpose of determining the real question or issue raised by or depending on such proceeding.* [O. 28, r. 12]

General power to amend.

151. Nothing *in this Code* shall affect any *present right of* appeal *which shall have accrued to any party at its commencement.* [S. 3, third para.]

Saving of present right of appeal.

152. *The enactments mentioned in the Fourth Schedule are hereby amended to the extent specified in the fourth column thereof.* [New.]

Amendment of certain Acts.

153. The enactments *mentioned* in the *Fifth* Schedule are hereby repealed to the extent *specified* in the *fourth* column thereof. [S. 3, first sentence.]

Repeals.

154. Notifications published, declarations and rules made, places appointed, agreements filed, scales prescribed, forms framed, *appointments made and powers conferred* under *Act VIII of 1859 or under any Code of Civil Procedure or any Act amending the same or under any other enactment hereby repealed* shall, so far as they are consistent with this Code, *have the same force and effect as if they had been* respectively published, made, appointed, filed, prescribed, framed *and conferred under this Code and by the authority empowered thereby in such behalf.* [S. 3, second sentence.]

Continuance of orders under repealed enactments.

155. *In every enactment or notification passed or issued before this Code comes into force in which reference is made to or to any Chapter or section of Act VIII of 1859 or of any Code of Civil Procedure or of any Act amending the same or of any other enactment hereby repealed, such reference shall, so far as may be practicable, be taken to be made to this Code or to its corresponding Part or section or rule.* [S. 3, second para.]

Reference to Code of Civil Procedure and other repealed enactments.

The Schedules.

CONTENTS.

THE FIRST SCHEDULE.

ORDER I.

Parties to Suits.

ORDER II.

Frame of Suit.

ORDER III.

Recognized Agents and Pleaders.

ORDER IV.

Institution of Suits.

ORDER V.

Issue and Service of Summons.

Issue of Summons.

Service of Summons.

ORDER VI.

Pleadings generally.

ORDER VII.

Plaint.

RULES.

[50, para. 6.] 6. Grounds of exemption from limitation law.
[O. 20, r. 6.] 7. Relief to be specifically stated.
[O. 20, r. 7.] 8. Relief founded on separate grounds.
[58] 9. Procedure on admitting plaint.
Concise statements.
[57.] 10. Where plaint shall be returned.
Procedure on returning plaint.
[53, 54.] 11. When plaint shall be rejected.
[55.] 12. Procedure on rejecting plaint.
[56.] 13. Where rejection of plaint does not preclude presentation of fresh plaint.

Documents relied on in plaint.

[59.] 14. Production of document on which plaintiff sues.
Delivery of document or copy.
List of other documents.
[60.] 15. Statement in case of documents not in his possession or power.
[61.] 16. Suits on lost negotiable instruments.
[62.] 17. Production of shop-book.
Original entry to be marked and returned.
[63.] 18. Inadmissibility of document not produced when plaint filed.

ORDER VIII.

Written Statement and Set-off.

11 1. Written statement.
[O. 19, r. 15.] 2. New facts must be specially pleaded.
[O. 19, r. 17.] 3. Denial to be specific.
[O. 19, r. 19.] 4. Evasive denial.
[O. 19, r. 13] 5. Specific denial.
[111.] 6. Particulars of set-off to be given in written statement.
Effect of set-off.
[112.] 7. Subsequent pleadings.
[New.] 8. Written statement not to be received after first hearing.
[113.] 9. Procedure when party fails to present written statement called for by Court.

ORDER IX.

Appearance of the Parties and Consequence of Non-appearance.

[96.] 1. Parties to appear at time fixed in summons for defendant to appear and answer.
[97.] 2. Dismissal of suit where summons not served in consequence of plaintiff's failure to pay fee for issuing.
[98.] 3. Where neither party appears, suit to be dismissed.
[99.] 4. In such case plaintiff may bring fresh suit or Court may restore suit to its file.
[99A.] 5. Dismissal of suit where plaintiff, after summons returned unserved, fails for a year to apply for fresh summons.
[100. 6. Procedure when only plaintiff appears.
When summons duly served.
When summons not duly served.
When summons served, but not in due time.
[101.] 7. Procedure where defendant appears on day of adjourned hearing and assigns good cause for previous non-appearance.
[102.] 8. Procedure where defendant only appears.
[103.] 9. Decree against plaintiff by default bars fresh suit.
[105.] 10. Procedure in case of non-attendance of one or more of several plaintiffs.
[106.] 11. Procedure in case of non-attendance of one or more of several defendants.
[107.] 12. Consequence of non-attendance, without sufficient cause shown, of party ordered to appear in person.

Setting aside Decrees ex parte.

[108.] 13. Setting aside decree *ex parte* against defendant.
[109.] 14. No decree to be set aside without notice to opposite party.

RULES

ORDER X.

Examination of Parties by the Court.

1. Ascertainment whether allegations in plaint and written statements admitted or denied. [117.]
2. Oral examination of party, or companion of himself or his pleader. [118.]
3. Substance of examination to be written. [119.]
4. Consequence of refusal or inability of pleader to answer. [120.]

ORDER XI.

Discovery and Inspection.

1. Discovery by interrogatories.
2. Particular interrogatories to be submitted. [O. 31, r. 1.]
3. Costs of interrogatories. [O. 31, r. 2.]
4. Form of interrogatories. [O. 31, r. 3.]
5. Corporations. [O. 31, r. 4.]
6. Objections to interrogatories by answer. [O. 31, r. 5.]
7. Setting aside and striking out interrogatories. [O. 31, r. 6.]
8. Affidavit in answer, filing. [O. 31, r. 7.]
9. No exception to be taken. [O. 31, r. 8.]
10. Order to answer or answer further. [O. 31, r. 10.]
11. Application for discovery of documents. [O. 31, r. 11.]
12. Affidavit of documents. [O. 31, r. 12.]
13. Production of documents. [O. 31, r. 13.]
14. Inspection of documents referred to in pleadings or affidavits. [O. 31, r. 14.] [O. 31, r. 15.]
15. Notice to produce.
16. Time for inspection when notice given. [O. 31, r. 16.] [O. 31, r. 17.]
17. Order for inspection. [O. 31, r. 18.]
18. Verified copies. [O. 31, r. 19A.]
19. Premature discovery. [O. 31, r. 20.]
20. Non-compliance with order for discovery. [O. 31, r. 21, 3A.]
21. Using answers to interrogatories at trial. [O. 31, r. 24.]
22. Order to apply to infants. [O. 31, r. 25.]

ORDER XII.

Admission.

1. Notice of admission of case. [O. 32, r. 1.]
2. Notice to admit documents. [O. 32, r. 2.]
3. Form of notice. [O. 32, r. 3.]
4. Notice to admit facts. [O. 32, r. 4.]
5. Forms of admissions. [O. 32, r. 5.]
6. Judgment on admissions. [O. 32, r. 6.]
7. Affidavit of signature. [O. 32, r. 7.]
8. Notice to produce documents. [O. 32, r. 8.]
9. Costs. [O. 32, r. 9.]

ORDER XIII.

Production, Impounding and Return of Documents.

1. Documentary evidence to be produced at first hearing. [138.]
2. Effect of non-production of documents. [139.] [140.]
3. Rejection of irrelevant or inadmissible documents. [141.]
4. Endorsements on documents admitted in evidence. [141A.]
5. Endorsements on copies of admitted entries in books, accounts and records. [142.]
6. Endorsements on documents rejected as inadmissible in evidence. [142A.]
7. Recording of admitted and return of rejected documents. [143.]
8. Court may order any document to be impounded. [144.]
9. Return of admitted documents. [137.]
10. Court may send for papers from its own records or from other Courts. [145.]
11. Provisions as to documents applied to material objects.

RULES.

ORDER XIV.

Settlement of Issues and Determination of Points of Law.

1. Framing of issues.
[146.] 2. Issues of law and of fact.
[146, sixth para.] 3. Allegations from which issues may be framed.
[147.] [148.] 4. Court may examine witnesses or documents before framing issues.
[149.] 5. Power to amend, and strike out, issues.
[150.] 6. Questions of fact or law may by agreement be stated in form of issues.
[151.] 7. Court, if satisfied that agreement was executed in good faith, may pronounce judgment.

ORDER XV.

Disposal of the Suit at the first hearing.

[152.] 1. Parties not at issue.
[153.] 2. One of several defendants not at issue.
[154.] 3. Parties at issue.
[155.] 4. Failure to produce evidence.

ORDER XVI.

Summoning and Attendance of Witnesses.

[159.] 1. Summons to attend to give evidence or produce documents.
[160.] 2. Expenses of witnesses to be paid into Court on applying for summons.
Experts.
Scale of expenses.
[161.] 3. Tender of expenses to witness.
[162.] 4. Procedure where insufficient sum paid in.
Expenses of witnesses detained more than one day.
[163.] 5. Time, place and purpose of attendance to be specified in summons.
[164.] 6. Summons to produce document.
[165.] 7. Power to require persons present in Court to give evidence or produce document.
[166.] 8. Summons how served.
[167.] 9. Time for serving summons.
[168.] 10. Procedure where witness fails to comply with summons.
[169.] 11. If witness appears, attachment may be withdrawn.
[170.] 12. Procedure if witness fails to appear.
[New.] 13. Mode of attachment.
[171.] 14. Court may of its own accord summon as witnesses strangers to suit.
[172.] 15. Duty of persons summoned to give evidence or produce document.
[173.] [174, first 16. When they may depart.
para, & 17. Application of rules 10 to 13.
175.]
[174.] 18. Procedure where witness apprehended cannot give evidence or produce documents.
[176.] 19. Persons bound to attend in person.
[177.] 20. Consequence of refusal of party to give evidence when called on by Court.
[178.] 21. Rules as to witnesses to apply to parties summoned.

ORDER XVII.

Adjournments.

156.] 1. Court may grant time and adjourn hearing.
Costs of adjournment.
[157.] 2. Procedure if parties fail to appear on day fixed.
[158.] 3. Court may proceed notwithstanding either party fails to produce evidence, etc.

ORDER XVIII.

Hearing of the Suit and Examination of Witnesses.

[179, expln.] 1. Right to begin.
[179, illo.] 2. Statement and production of evidence.
[180.] 3. Evidence where several issues.

RULES.

4. Witnesses to be examined in open Court. [181.]
5. How evidence shall be taken in appealable cases. [182.]
6. When deposition to be interpreted. [183.]
7. Evidence under section 136. [185.]
8. Memorandum when evidence not taken down by Judge. [184.]
9. When evidence may be taken in English. [185.]
10. Any particular question and answer may be taken down. [186.]
11. Questions objected to and allowed by Court. [187.]
12. Remarks on demeanour of witnesses. [188.]
13. Memorandum of evidence in unappealable cases. [189.]
14. Judge unable to make such memorandum to record reasons of his inability. [190.]
15. Power to deal with evidence taken before another Judge. [191.]
16. Power to examine witnesses immediately. [192.]
17. Court may recall and examine witness. [193.]
18. Power of Court to inspect. [New.]

ORDER XIX.

Affidavits.

1. Power to order any point to be proved by affidavit. [194.]
2. Power to order attendance of deponent for cross-examination. [195.]
3. Matters to which affidavits shall be confined. [196.]

ORDER XX.

Judgment and Decree.

1. Judgment when pronounced. [198.]
2. Power to pronounce judgment written by Judge's predecessor. [199]
3. Judgments to be dated and signed. [202.]
4. Judgments of Small Cause Courts. [203.]
Judgments of other Courts.
5. Court to state its decision on each issue. [204.]
6. Contents of decree. [206.]
7. Date of decree. [205.]
8. Procedure where Judge has vacated office before signing decree. [New.]
9. Decree for recovery of immoveable property. [207.]
10. Decree for delivery of moveable property. [208.]
11. Decree may direct payment by instalments. [210.]
Order, after decree, for payment by instalments.
12. Decree for possession and mesne profits. [211, 212.]
13. Decrees in administration-suit. [213.]
14. Decree in pre-emption-suit. [214.]
15. Decrees in suit for dissolution of partnership. [215.]
16. Decrees in suit for account between principal and agent. [215A.]
17. Decree in suit for partition of property or separate possession of a share therein. [New.]
18. Decree when set-off is allowed. [216.]
Appeal from decree relating to set-off.
19. Certified copies of judgment and decree to be furnished. [217.]

ORDER XXI.

Execution of Decrees and Orders.

Payment under Decree.

1. Mode of paying money under decree. [257.]
2. Payment out of Court to decree-holder. [258.]

Courts executing Decrees.

3. Estates situate in more than one jurisdiction. [New.]
4. Transfer to Court of Small Causes. [223, fifth para.]
5. Mode of transfer. [223, sixth para.]
6. Procedure where Court desires that its own decree shall be executed by another Court. [224.]
7. Court receiving copies of decree, etc., to file same without proof. [225.]
8. Execution of decree or order by Court to which it is sent. [226.]
9. Execution by High Court of decree transferred by other Court. [227.]

RULES.

Application for execution.

[230, first para.] 10. Application for execution.
[235, 256.] 11. Form of application for execution.
[236.] 12. Application for attachment of moveable property not in judgment-debtor's possession.
[237.] 13. Application for attachment of immoveable property to contain certain particulars.
[238.] 14. Power to require certified extract from Collector's register in certain cases.
[231.] 15. Application for execution by joint decree-holder.
[232.] 16. Application for execution by transferee of decree.
[245.] 17. Procedure on receiving application for execution of decree.
[246.] 18. Execution in case of cross-decrees.
[247.] 19. Execution in case of cross-claims under same decree.
[230, second para.] 20. Simultaneous execution.
[248.] 21. Notice to show cause against execution in certain cases.
[249.] 22. Procedure after issue of notice.

Process for execution.

[250, 251.] 23. Process for execution.

Return of process for execution of decree.

[363, 251.] 24. Endorsement on process.

Stay of execution.

[239.] 25. When Court may stay execution.
[240.] 26. Power to require security from, or impose condition upon, judgment-debtor.
[241.] 27. Liability of judgment-debtor discharged to be retaken.
[242.] 28. Power of Court which passed decree or of appellate Court to be binding upon Court applied to.
[243.] 29. Stay of execution pending suit between decree-holder and judgment-debtor.

Mode of execution.

[254.] 30. Decree for payment of money.
[259.] 31. Decree for specific moveable property.
[260.] 32. Decree for specific performance or restitution of conjugal rights.
[New.] 33. Discretion of Court in executing decrees for restitution of conjugal rights.
[261, 262.] 34. Decree for execution of documents, or endorsement of negotiable instruments.
[263.] 35. Decree for immoveable property.
[264.] 36. Decree for delivery of immoveable property when in occupancy of tenant.

Arrest and detention in the civil prison.

[245B.] 37. Discretionary power to permit judgment-debtor to show cause against detention in prison.
[337.] 38. Warrant for arrest to direct judgment-debtor to be brought up.
[653.] 39. Release of judgment-debtor from arrest on ground of illness.
[337A.] 40. Proceedings on appearance of judgment-debtor in obedience to notice or after arrest.
[267.] 41. Examination of judgment-debtor as to his property.
[255.] 42. Attachment in case of decree for rent or mesne profits or other matter, amount of which to be subsequently determined.
[269.] 43. Attachment of moveable property, other than agricultural produce, in possession of judgment-debtor.
[New.] 44. Attachment of agricultural produce.
[New.] 45. Arrangements and directions as to agricultural produce under attachment.
[268.] 46. Attachment of debt, share and other property not in possession of judgment-debtor.
[New.] 47. Attachment of share in moveables.
[New.] 48. Attachment of salary or allowances of public officer or servant of railway company or local authority.

RULES.

49. Attachment of partnership property.
50. Attachment of negotiable instruments. [New.]
51. Attachment of property in custody of Court or [271.]
public officer. [272.]
52. Attachment of decrees. [273.]
53. Attachment of immoveable property. [274.]
54. Removal of attachment after satisfaction of decree. [275.]
55. Order for payment of coin or currency notes to party entitled under decree. [277.]
56. Determination of attachment. [New.]

Investigation of claims and objections.

57. Investigation of claims to, and objections to attachment of, attached property. [278.]
Postponement of sale.
58. Evidence to be adduced by claimant. [279.]
59. Release of property from attachment. [280.]
60. Disallowance of claim to property attached. [281.]
61. Continuance of attachment subject to claim of incumbrancer. [282.]
62. Saving of suits to establish right to attached property. [283.]

Sale generally.

63. Power to order property attached to be sold and proceeds to be paid to person entitled. [284.]
64. Sales by whom conducted and how made. [286.]
65. Proclamation of sales by public auction. [287.]
66. Mode of making proclamation. [289.]
67. Time of sale. [290.]
68. Adjournment or stoppage of sale. [291.]
69. Saving of certain sales. [287, last para.]
70. Defaulting purchaser answerable for loss on re-sale. [293.]
71. Decree-holder not to bid for or buy property without permission. [294.]
Where decree-holder purchases, amount of decree may be taken as payment.
72. Restriction on bidding or purchase by officers. [292.]

Sale of moveable property.

73. Sale of agricultural produce. [New.]
74. Special provisions relating to growing crops. [New.]
75. Negotiable instruments and shares in corporations. [296.]
76. Other moveable property. [297.]
77. Irregularity not to vitiate sale of moveable property, but any person injured may sue. [298.]
78. Delivery of moveable property, debts and shares. [299, 300, 301.]
79. Transfer of negotiable instruments and shares. [302.]
80. Vesting order in case of other property. [303.]

Sale of immoveable property.

81. What Courts may order sales of immoveable property. [304.]
82. Postponement of sale of immoveable property to enable judgment-debtor to raise amount of decree. [305.]
83. Deposit by purchaser of immoveable property and re-sale on default. [306.]
84. Payment in full of purchase-money of immoveable property and re-sale on default. [307.]
85. Procedure in default of payment. [308.]
86. Notification on re-sale of immoveable property. [309.]
87. Co-sharer to have preference in bidding in certain cases. [310.]
88. Application to set aside sale on deposit. [310A.]
89. Application to set aside sale of immoveable property on ground of irregularity. [311.]
90. Application by purchaser to set aside sale of any property on ground of judgment-debtor having no saleable interest. [313.]
91. Sale when to become absolute or be set aside. [312, 314.]
92. Return of purchase-money in certain cases. [315.]
93. Certificate to purchaser of immoveable property. [316.]
94. Delivery of immoveable property in occupancy of judgment-debtor. [318.]
95. Delivery of immoveable property in occupancy of tenant. [319.]

RULES.

Resistance to execution.

96. Resistance or obstruction to execution of decree.
[328.] 97. Obstruction by judgment-debtor.
[329, 330] 98. Obstruction by claimant other than judgment-debtor.
[331.] 99. Procedure in case of person dispossessed of property disputing right of decree-holder to be put into possession.
[332.] 100. Transfer of property by the judgment-debtor after institution of suit.
[333.] 101. Obstruction to possession by judgment-debtor or at his instigation.
[334.] 102. Obstruction to possession by claimant other than judgment-debtor.
[335.] 102. Saving of suit to establish right.
[335, second para.]

ORDER XXII.

Death, Marriage and Insolvency of Parties.

[361.] 1. No abatement by party's death, if right to sue survives.
[362.] 2. Procedure where one of several plaintiffs or defendants dies and right to sue survives.
[363.] 3. Procedure where one of several plaintiffs dies and right to sue does not survive to surviving plaintiffs alone.
[365.] 4. Procedure in case of death of sole, or sole surviving, plaintiff.
[366.] 5. Abatement where no application by representative of deceased plaintiff.
[367.] 6. Procedure in case of dispute as to representative of deceased plaintiff.
[368.] 7. Procedure in case of death of one of several defendants, or of sole, or sole surviving, defendant.
[New.] 8. No abatement by reason of death after hearing.
[369.] 9. Suit not abated by marriage of female party.
[370.] 10. When plaintiff's insolvency bars suit.
Procedure when assignee fails to continue suit or give security.
[371.] 11. Effect of abatement or dismissal.
[372.] 12. Procedure in case of assignment before final order in suit.
[582, last part.] 13. Application of Order to appeals.
[New.] 14. Application of Order to proceedings.
[New.] 15. Extension of time.

ORDER XXIII.

Withdrawal and Adjustment of Suits.

[373.] 1. Withdrawal of suit or abandonment of part of claim.
[374.] 2. Limitation law not affected by first suits.
[375.] 3. Compromise of suit.
[375A.] 4. Proceedings in execution of decrees not affected.

ORDER XXIV.

Payment into Court.

[376.] 1. Deposit by defendant of amount in satisfaction of claim.
[377.] 2. Notice of deposit.
[378.] 3. Interest on deposit not allowed to plaintiff after notice.
[379.] 4. Procedure where plaintiff accepts deposit as satisfaction in part.
Procedure where he accepts it as satisfaction in full.

ORDER XXV.

Security for Costs.

[380, 382.] 1. When security for costs may be required from plaintiff at any stage of suit.
[381.] Residence out of British India.
2. Effect of failure to furnish security.

RULES.

ORDER XXVI.

Commissions.

Commissions to examine witnesses.

1. Cases in which Court may issue commission to examine witness. [S. 383.]
2. Order for commission. [S. 384.]
3. When witness resides within Court's jurisdiction. [S. 385.]
4. Persons for whose examination commission may issue. [S. 386.]
5. Commission to examine witness not within British India. [S. 387.]
6. Court to examine witness pursuant to commission. [S. 388.]
7. Return of commission with depositions of witnesses. [S. 389.]
8. When depositions may be read in evidence. [S. 390.]

Commissions for local investigations.

9. Commissions to make local investigations. [S. 392.]
10. Procedure of Commissioner. [S. 393.]
Report and depositions to be evidence in suit.
Commissioner may be examined in person.

Commission to examine accounts.

11. Commission to examine or adjust accounts. [S. 394.]
12. Court to give Commissioner necessary instructions. [S. 395.]
Court to receive Commissioner's proceeding or direct further enquiry.

Commissions to make partitions.

13. Commission to make partition of non-revenue-paying immoveable property. [396.]
14. Procedure of Commissioners. [S. 396, second and third paras.]

General provisions.

15. Expenses of commission to be paid into Court. [S. 397.]
16. Powers of Commissioners. [S. 398.]
17. Attendance, examination and punishment of witnesses before Commissioner. [S. 399.]
18. Parties to appear before Commissioners. [400.]

ORDER XXVII.

Suits by or against the Government or Public Officers in their official capacity.

1. Suits by or against Secretary of State in Council. [New.]
2. Persons authorized to act for Government. [417.]
3. Plaints in suits by or against Secretary of State in Council. [418.]
4. Agent for Government to receive process. [419.]
5. Fixing of day for appearance on behalf of Secretary of State in Council. [420.]
6. Attendance of person able to answer questions relating to suit against Government. [421.]
7. Extension of time to enable public officer to make reference to Government. [422, 423.]
8. Procedure in suits against public officer. [426.]

ORDER XXVIII.

Suits by and against Military Men.

1. Officers or soldiers who cannot obtain leave may authorize any person to sue or defend for them. [465.]
2. Persons so authorized may act personally or appoint pleader. [466.]
3. Service on person so authorized, or on his pleader, to be good service. [467.]

ORDER XXIX.

Suits by and against Corporations.

1. Subscription and verification of pleading. [435.]
2. Service on corporation. [436.]
3. Power to require personal attendance of officer of corporation. [437.]

RULES.

ORDER XXX.

Suits by or against Firms and Persons carrying on business in names other than their own.

[O. 48A, r. 1.] 1. Suing of partners in name of firm.
[*Ib.*, r. 2.] 2. Disclosure of partners' names.
[*Ib.*, r. 3.] 3. Service.
[New.] 4 Right of suit on death of partner.
[O. 48A, r. 4.] 5. Notice in what capacity served.
[*Ib.*, r. 5.] 6. Appearance of partners.
[*Ib.*, r. 6.] 7. No appearance except by partners.
[*Ib.*, r. 7.] 8. Appearance under protest.
[*Ib.*, r. 8.] 9. Execution of decree against firm.
[*Ib.*, r. 10.] 10. Suits between co-partners.
[*Ib.*, r. 11.] 11. Suit against person carrying on business in name other than his own.

ORDER XXXI.

Suits by and against Trustees, Executors and Administrators.

[437.] 1. Representation of beneficiaries in suits concerning property vested in trustees, etc.
[438.] 2. Joinder of trustees, executors and administrators.
[439.] 3. Husband of married executrix not to join.

ORDER XXXII.

Suits by and against Minors and Persons of Unsound Mind.

[440.] 1. Minor to sue by next friend.
[442.] 2. Where suit is instituted without next friend, plaint to be taken off the file.
[443, 456.] 3. Guardian for the suit to be appointed by Court for minor defendant.
[440, 443, 445, 456.] 4. Who may act as next friend or be appointed guardian for the suit.
[441, 444.] 5. Representation of minor by next friend or guardian for the suit.
[461.] 6. Receipt by next friend or guardian for the suit of property under decree for minor.
[462.] 7. Agreement or compromise by next friend or guardian for the suit.
[447.] 8. Retirement of next friend.
[446.] 9. Removal of next friend.
[448, 449.] 10. Stay of proceedings on removal, etc., of next friend.
[458, 459.] 11. Retirement, removal or death of guardian for the suit.
[450-453.] 12. Course to be followed by minor plaintiff or applicant on attaining majority.
[454.] 13. Where minor co-plaintiff attaining majority desires to repudiate suit.
[455.] 14. Unreasonable or improper suit.
[460, 463.] 15. Application of rules to persons of unsound mind.
[464.] 16. Saving for Princes and Chiefs.

ORDER XXXIII.

Suits by Paupers.

[401.] 1. Suit may be instituted *in formâ pauperis.*
[403.] 2. Contents of application.
[404.] 3. Presentation of application.
[406.] 4. Examination of applicant.
If presented by agent, Court may order applicant to be examined by commission.
[405, 407.] 5. Rejection of application.
[408.] 6. Notice of day for receiving evidence of applicant's pauperism.
[409.] 7. Procedure at hearing.
[410.] 8. Procedure if application admitted.
[414.] 9. Dispaupering.
[411.] 10. Costs when pauper succeeds.
Recovery of court-fees.
[412.] 11. Procedure when pauper fails.
[New.] 12. Government may apply for payment of court-fees.
[New.] 13. Government to be deemed a party.
[New.] 14. Copy of decree to be sent to Collector.
[413.] 15. Refusal to allow applicant to sue as pauper to bar subsequent application of like nature.
[415.] 16. Costs.

RULES.

ORDER XXXIV.

Suits relating to Mortgages of Immoveable Property.

1. Parties to suits for foreclosure, sale and redemption. [IV, 1882, s. 85.]
2. Decree in foreclosure-suit. [illegible]
3. Procedure in case of payment of amount due. [illegible]
Final decree for foreclosure.
Power to enlarge time.
Discharge of debt.
4. Decree for sale. [illegible]
Power to decree sale in foreclosure-suit.
5. Procedure when defendant pays amount due. [illegible]
Final decree for sale.
6. Recovery of balance due on mortgage. [illegible]
7. Decree in redemption-suit. [illegible]
8. In case of redemption, possession. [illegible]
In default, foreclosure or sale.
Power to enlarge time.
9. Decree where nothing is found due or where mortgage has been overpaid. [New.]
10. Costs of mortgage subsequent to decree. [IV, 1882, s. 94.]
11. Right of mesne mortgagee to redeem and foreclose. [New.]
12. Sale of property subject to prior mortgage. [IV, 1882, s. 96.]
13. Application of proceeds. [illegible]
14. Charges. [illegible]

ORDER XXXV.

Interpleader.

1. Plaint in interpleader-suit. [471.]
2. Payment of thing claimed into Court. [472.]
3. Procedure when defendant is suing plaintiff. [476.]
Costs.
4. Procedure at first hearing [473.]
5 When agents and tenants may institute interpleader-suits. [474.]
6. Charge of plaintiff's costs. [475.]

ORDER XXXVI.

Special Case.

1. Power to state case for Court's opinion. [527.]
2. Where value of subject-matter must be stated. [528.]
3. Agreement to be filed and numbered as suit. [529.]
4. Parties to be subject to Court's jurisdiction. [530.]
5. Hearing and disposal of case. [531.]

ORDER XXXVII.

Summary Procedure on Negotiable Instruments.

1. Application of Order. [illegible]
2. Institution of summary suits upon bills of exchange, etc. [illegible]
Payment into Court of sum mentioned in summons.
3. Defendant showing defence on merits to have leave to appear. [illegible]
4. Power to set aside decree. [illegible]
5. Power to order bill, etc., to be deposited with officer of Court. [illegible]
6. Recovery of cost of noting non-acceptance of dishonoured bill or note. [illegible]
7. Procedure in suits.

ORDER XXXVIII.

Arrest and Attachment before judgment.

Arrest before judgment.

1. Application during suit for security from defendant. [illegible]
2. Security. [illegible]
3. Procedure on application by surety to be discharged. [illegible]
4. Procedure where defendant fails to give security or find fresh security. [illegible]
5. Subsistence of defendants arrested.

RULES.

Attachment before judgment.

[483, 484] 6. Application before judgment for security from defendant, and in default for attachment of property.
[485.] 7. Attachment where cause not shown or security not furnished.
[486.] 8. Mode of making attachment.
[487.] 9. Investigation of claim to property attached before judgment.
[488.] 10. Removal of attachment when security furnished or suit dismissed.
[489.] 11. Attachment before judgment not to affect rights of strangers, nor bar decree-holder from applying for sale.
[490.] 12. Property attached before judgment not to be re-attached in execution of decree.
[New.] 13. Agricultural produce not attachable before judgment.

ORDER XXXIX.

Temporary Injunctions and Interlocutory Orders.

Temporary injunctions.

[492.] 1. Cases in which temporary injunction may be granted.
[493.] 2. Injunction to restrain repetition or continuance of breach.
[494.] 3. Before granting injunction, Court to direct notice to opposite party.
[496.] 4. Order for injunction may be discharged, varied or set aside.
[495.] 5. Injunction to corporation binding on its officers.

Interlocutory orders.

[498.] 6. Power to order interim sale of perishable articles.
[499.] 7. Power to make order for detention, etc., of subject-matter, and to authorize entry, taking of samples and experiments.
[500.] 8. Application for such orders to be after notice.
[501.] 9. When party may be put in immediate possession of land the subject-matter of suit.
[502.] 10. Deposit of money, etc., in Court.

ORDER XL.

Appointment of Receivers.

[503.] 1. Appointment of Receivers.
[503.] 2. Remuneration.
[503.] 3. Duties.
[New.] 4. Enforcement of Receiver's liabilities.
[504.] 5. When Collector may be appointed Receiver.

ORDER XLI.

Appeals from Original Decrees.

[541.] 1. Form of appeal.
What to accompany memorandum.
[542.] Contents of memorandum.
[543.] 2. Grounds which may be taken in appeal.
[544.] 3. Rejection or amendment of memorandum.
4. One of several plaintiffs or defendants may obtain reversal of whole decree if it proceed on ground common to all.

Stay of proceedings in execution.

[545.] 5. Stay of proceedings in execution.
[546.] Stay in appealable decree.
6. Security in case of order for execution of decree appealed from.
[547.] 7. No security to be required from the Government or a public officer in certain cases.
[New.] 8. Exercise of certain rules in appeal from order made in execution of decree.

Procedure on admission of appeal.

[548.] 9. Registry of memorandum of appeal.
[549.] Register of appeals.
10. Appellate Court may require appellant to give security for costs.
When appellant resides out of British India.
11. Power to dismiss appeal without sending notice to Lower Court.
12. Day for hearing appeal.

RULES.

13. Appellate Court to give notice to Court whose decree appealed from. [550.]
Transmission of papers to Appellate Court.
Copies of exhibits in Court whose decree appealed from.
14. Publication and service of notice of day for hearing appeal. [553.]
Appellate Court may itself cause notice to be served.
15. Contents of notice. [554.]

Procedure on hearing.

16. Right to begin. [555.]
17. Dismissal of appeal for appellant's default. [556.]
Hearing appeal *ex parte*.
18. Dismissal of appeal where notice not served in consequence of appellant's failure to deposit costs. [557.]
19. Re-admission of appeal dismissed for default. [558.]
20. Power to adjourn hearing, and direct persons appearing interested to be made respondents. [559.]
21. Re-hearing on application of respondent against whom *ex parte* decree made. [560.]
22. Upon hearing, respondent may object to decree as if he had preferred separate appeal. [561.]
Form of notice and provisions applicable thereto.
23. Remand of case by Appellate Court. [562.]
24. Limit to remand. [564.]
25. Where evidence on record sufficient, Appellate Court may determine case finally. [565.]
26. Where Appellate Court may frame issues and refer them for trial to Court whose decree appealed against. [566.]
27. Finding and evidence to be put on record. [567.]
Objections to finding.
Determination of appeal.
28. Production of additional evidence in Appellate Court. [568.]
29. Mode of taking additional evidence. [569.]
30. Points to be defined and recorded. [570.]

Judgment in appeal.

31. Judgment when and where pronounced. [571.]
32. Contents, date and signature of judgment. [574.]
33. What judgment may direct. [577.]
34. Power of Court of Appeal. [O. 58, r. 4.]
35. Dissent to be recorded. [576.]

Decree in appeal.

36. Date and contents of decree. [579.]
Judge dissenting from judgment need not sign decree.
37. Copies of judgment and decree to be furnished to parties. [580.]
38. Certified copy of decree to be sent to Court whose decree appealed from. [581.]

ORDER XLII.

Appeals from Orders.

1. Appeals from orders. [588.]
2. Procedure. [590.]

ORDER XLIII.

Pauper Appeals.

1. Who may appeal as pauper. [592.]
Procedure on application for admission of appeal.
2. Inquiry into pauperism. [593.]

ORDER XLIV.

Appeals to the King in Council.

1. "Decree" defined. [594.]
2. Application to Court whose decree complained of. [598.]
3. Certificate as to value or fitness. [600.]
4. Consolidation of suits. [New.]

The Code of Civil Procedure Bill.

(The First Schedule.)

(Orders I, II.)

(The marginal references are to Orders of the English Rules.)

THE SCHEDULES.

THE FIRST SCHEDULE.

ORDER I.

Parties to Suits.

[S. 26; cf. O. 16, r. 1.] Who may be joined as plaintiffs.

1. All persons may be joined *in one suit* as plaintiffs in whom *any* right to relief in *respect of or arising out of the same transaction or series of transactions is alleged to exist,* whether jointly, severally or in the alternative, *where, if such persons brought separate suits, any common question of law or fact would arise.*

[New.] *Power of Court to order separate trials.*

2. *Where it appears to the Court that any joinder of plaintiffs may embarrass or delay the trial of the suit, the Court may put the plaintiffs to their election or order separate trials or make such other order as may be expedient.*

[S. 28; cf. O. 16, r. 4.] Who may be joined as defendants.

3. All persons may be joined as defendants against whom the right to any relief is alleged to exist, whether jointly, severally or in the alternative.

[Ss. 28, 29; cf. O. 16, rr. 1 and 4.] Court may give judgment for or against one or more of joint parties.

4. Judgment may be given without any amendment—

(*a*) for such one or more of the plaintiffs as may be found to be entitled to relief, for such relief as he or they may be entitled to;

(*b*) against such one or more of the defendants as may be found to be liable, according to their respective liabilities.

[O. 16, r. 5.] *Defendant need not be interested in all the relief claimed.*

5. *It shall not be necessary that every defendant shall be interested as to all the relief claimed or as to every cause of action included in any suit against him.*

[S. 29; cf. O. 16, r. 6.] Joinder of parties liable on same contract.

6. The plaintiff may, at his option, join as parties to the same suit all or any of the persons severally, or jointly and severally, liable on any one contract, including parties to bills of exchange, hundis and promissory notes.

[O. 16, r. 7.] *When plaintiff in doubt from whom redress is to be sought.*

7. *Where the plaintiff is in doubt as to the person from whom he is entitled to obtain redress, he may join two or more defendants in order that the question as to which of the defendants is liable, and to what extent, may be determined as between all parties.*

[Ss. 30, 31; cf. O. 16, r. 9.] One person may sue or defend on behalf of all in same interest.

8. (*1*) Where there are numerous *persons* having the same interest in one suit, one or more of such *persons* may, with the permission of the Court, sue or be sued, or may defend, in such suit, on behalf of all persons so interested. But the Court shall in such case give, at the plaintiff's expense, notice of the institution of the suit to all such *persons* either by personal service or, *where* from the number of *persons* or any other cause such service is not reasonably practicable, by public advertisement, as the Court in each case may direct.

(*2*) Any person on whose behalf a suit is instituted or defended under sub-rule (*1*) may apply to the Court to be made a party to such suit.

[S. 31; cf. O. 16, r. 11.] Misjoinder and non-joinder.

9. No suit shall be defeated by reason of the misjoinder or nonjoinder of parties, and the Court may in every suit deal with the matter in controversy so far as regards the rights and interests of the parties actually before it.

[S. 27; cf. O. 16, r. 2.] Court may substitute or add plaintiff for or to plaintiff suing.

10. (*1*) Where a suit has been instituted in the name of the wrong person as plaintiff or where it is doubtful whether it has been instituted in the name of the right plaintiff, the Court may at any stage of the suit, if satisfied that the suit has been instituted through a *bonâ fide* mistake, and that it is necessary for the determination of the real matter in dispute so to do, order any other person to be substituted or added as plaintiff upon such terms as the Court thinks just.

Court may strike out or add parties. [S. 32; cf. O. 16, r. 11.]

(*2*) The Court may *at any stage of the proceedings,* either upon or without the application of either party, and on such terms *as may appear to* the Court *to be* just, order that the name of any party improperly joined, whether as plaintiff or defendant, be struck out, and that the name of any person who ought to have been joined, whether as plaintiff or defendant, or whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the suit, be added.

(*3*) No person shall be added as a plaintiff *suing without a next friend or as the next friend of a plaintiff under any disability* without his consent.

Where defendant added, plaint to be amended. [S. 32; cf. O. 16, r. 39.]

(*4*) Where a defendant is added, the plaint shall, unless the Court otherwise directs, be amended in such manner as may be necessary, and amended copies of the summons *and of the plaint* shall be served on the new defendant and, *if the Court thinks fit, on* the original defendant.

(*5*) Subject to the provisions of the Indian Limitation Act, 1877, section 22, the proceedings as against any *person* added as defendant shall be deemed to have begun only on the service of *a* summons. [S. 32.] XV of 1877.

Conduct of suit. [S. 32; cf. O. 16, r. 39.]

11. The Court may give the conduct of the suit to such plaintiff as it deems proper.

Appearance of one of several plaintiffs or defendants for others. [S. 35.]

12. (*1*) Where there are more plaintiffs than one, any one or more of them may be authorized by any other of them to appear, plead or act for such other in any proceeding; and in like manner, where there are more defendants than one, any one or more of them may be authorized by any other of them to appear, plead or act for such other in any such proceeding.

(*2*) The authority shall be in writing signed by the party giving it and shall be filed in Court.

Objection as to non-joinder and misjoinder. [S. 34.]

13. All objections *on the ground of non-joinder* or misjoinder *of parties* shall be taken at the earliest possible opportunity and in all cases before *issues are settled, unless the ground of objection has subsequently arisen,* and any such objection not so taken shall be deemed to have been waived.

ORDER II.

Frame of Suit.

Frame of suit. [S. 42.]

1. Every suit shall as far as practicable be framed so as to afford ground for final decision upon the subjects in dispute and to prevent further litigation concerning them.

Suit to include the whole claim. [S. 43.]

2. (*1*) Every suit shall include the whole of the claim which the plaintiff is entitled to make in respect of the cause of action; but a plaintiff may relinquish any portion of his claim in order to bring the suit within the jurisdiction of any Court.

Relinquishment of part of claim.

(*2*) *Where* a plaintiff omits to sue in respect of, or intentionally relinquishes, any portion of his claim, he shall not afterwards sue in respect of the portion so omitted or relinquished.

Omission to sue for one of several remedies.

(*3*) A person entitled to more than one relief in respect of the same cause of action may sue for all or any of *such reliefs*; but if he omits, except with the leave of the Court, to sue for *all* such reliefs, he shall not afterwards sue for *any relief* so omitted.

Explanation.—For the purposes of this section an obligation and a collateral security for its performance *and successive claims arising under the same obligation* shall be deemed *respectively* to constitute but one cause of action.

The Code of Civil Procedure Bill.

(The First Schedule.)

(Orders II—IV.)

Illustration.

A lets a house to B at a yearly rent of Rs. 1,200. The rent for the whole of the years *1905, 1906 and 1907* is due and unpaid. A sues B in 1908 only for the rent due for *1906*. A shall not afterwards sue B for the rent due for *1905 or 1907*.

[S. 45; *cf.* O. 18, r. 1.] Joinder of causes of action.

3. *Save as otherwise provided, a* plaintiff may unite in the same suit several causes of action against the same defendant, or the same defendants jointly; and any plaintiffs having causes of action in which they are jointly interested against the same defendant or the same defendants jointly may unite such causes of action in the same suit.

(2) *Where* causes of action are united, the jurisdiction of the Court as regards the suit shall depend on the amount or value of the aggregate subject-matters at the date of instituting the suit.

[S. 44; *cf.* O. 18, r. 2.] Only certain claims to be joined for recovery of immoveable property.

4. No cause of action shall, unless with the leave of the Court, be joined with a suit for the recovery of immoveable property, except—

(*a*) claims *for* mesne profits or arrears of rent in respect of the property claimed *or any part thereof*;

(*b*) claims for damages for breach of any contract under which the property or any part thereof is held; and

(*c*) *claims in which the relief sought is based on the same cause of action:*

Provided that nothing in this rule shall be deemed to prevent any party in a suit for foreclosure or redemption from asking to be put into possession of the mortgaged property.

[S. 44; *cf.* O. 18, r. 5.] Claims by or against executor, administrator or heir.

5. No claim by or against an executor, administrator or heir, as such, shall be joined with claims by or against him personally, unless the last-mentioned claims are alleged to arise with reference to the estate in respect of which the plaintiff or defendant sues or is sued as executor, administrator or heir, or are such as he was entitled to, or liable for, jointly with the deceased person whom he represents.

[S. 45; cf. O. 16, rr. 1, 5; O. 18, r. 1.] Power of Court to order separate trials.

6. *Where it appears to the Court that any causes of action joined in one suit cannot be conveniently tried or disposed of together,* the Court may order separate trials or make such other order as may be expedient.

[*S.* 134.] *Objections as to nonjoinder and misjoinder.*

7. All objections *on the ground of misjoinder of causes of action* shall be taken *at the earliest possible opportunity and in all cases before issues are settled, unless the ground of objection has subsequently arisen,* and any such objection not so taken shall be deemed to have been waived.

ORDER III.

Recognized Agents and Pleaders.

[S. 36.] Appearances, etc., may be in person, by recognized agent or by pleader.

1. Any appearance, application or act in or to any Court, required or authorized by law to be made or done by a party to a suit in such Court, may, except where otherwise expressly provided by any law for the time being in force, be made or done by the party in person, or by his recognized agent, or by a pleader duly appointed to act on his behalf:

Provided that any such appearance shall, if the Court so directs, be made by the party in person.

[S. 37.] Recognized agents.

2. The recognized agents of parties by whom such appearances, applications and acts may be made or done are—

(*a*) persons holding powers-of-attorney, authorizing them to make and do such appearances, applications and acts on behalf of such parties;

(*b*) persons carrying on trade or business for and in the names of parties not resident within the local limits of the jurisdiction of the Court within which limits the appearance, application or act is made or done, in matters connected with such trade or business only, where no other agent is expressly authorized to make and do such appearances, applications and acts.

Service of process on recognized agent. [S. 38.]

3. (*1*) Processes served on the recognized agent of a party to a suit shall be as effectual as if the same had been served on the party in person, unless the Court otherwise directs.

(2) The provisions for the service of process on a party to a suit shall apply to the service of process on his recognized agent.

Appointment of pleader. [S. 39.]

4. (*1*) The appointment of a pleader to make or do any appearance, application or act *for any person* shall be in writing, *and shall be signed by such person or by his recognized agent or by some other person duly authorized by power-of-attorney to act in this behalf.*

(2) *Every* such appointment, *when accepted by a pleader,* shall be filed in Court, *and* shall be considered to be in force until *determined* by leave of the Court, by a writing signed by the client *or the pleader, as the case may be,* and filed in Court, or until the client or the pleader dies or *until* the *suit is* ended so far as regards the client.

(*3*) No advocate of any High Court established *under the Indian High Courts Act, 1861*, or of the Chief Court of the Punjab, *or of the Chief Court of Lower Burma, or of the Court of the Judicial Commissioner of Oudh, or of the Court of the Judicial Commissioner of the Central Provinces, or of the Court of the Judicial Commissioner, Sind,* shall be required to present any document empowering him to act. 24 & 25 Vict., c. 104.

Service of process on pleader. [S. 40.]

5. *Any process* served on the pleader of any party or left at the office or ordinary residence of such pleader, and whether the same is for the personal appearance of the party or not, shall be presumed to be duly communicated and made known to the party whom the pleader represents, and, unless the Court otherwise directs, shall be as effectual for all purposes as if the same had been given to or served on the party in person.

Agent to accept process. [S. 41.]

6. (*1*) Besides the recognized agents described in rule 2 any person residing within the jurisdiction of the Court may be appointed an agent to accept service of process.

His appointment to be in writing and to be filed in Court.

(2) Such appointment may be special or general and shall be made by an instrument in writing signed by the principal, and such instrument or, if the appointment is general, a *certified* copy thereof shall be filed in Court.

ORDER IV.

Institution of Suits.

Suits to be commenced by plaint. [S. 48.]

1. (*1*) Every suit shall be instituted by presenting a plaint to the Court or such officer as it appoints in this behalf.

(*2*) *Every plaint shall comply with the rules contained in Orders VI and VII, so far as they are applicable.*

Register of suits. [S. 58.]

2. The Court shall cause the particulars *of every suit* to be entered in a book to be kept for the purpose and called the register of civil suits. Such entries shall be numbered in every year according to the order in which the plaints *are* admitted.

The Code of Civil Procedure Bill.

(The First Schedule.)—(Order V.)

ORDER V.

Issue and Service of Summons.

Issue of Summons.

[S. 4.] 1. (*1*) When *a suit* has been *duly instituted*, a summons be issued to *the* defendant to appear and answer the claim on a day to be therein specified.

Summons.

(*2*) *A defendant to whom a summons has been issued under sub-rule (1) may appear—*

(*a*) *in person, or*

(*b*) by a pleader duly instructed and able to answer all material questions relating to the suit, or

(*c*) by a pleader accompanied by some other person able to answer all such questions.

(*3*) Every such summons shall be signed by the Judge or such officer as he appoints, and shall be sealed with the seal of the Court:

Provided that no such summons shall be issued when the defendant has appeared at the presentation of the plaint and admitted the plaintiff's claim.

[S. 65.] 2. Every such summons shall be accompanied *by a copy of the plaint or, if so permitted, by a concise statement.*

Copy or statement annexed to summons.

[S. 66.] 3. (*1*) *Where* the Court sees reason to require the personal appearance of the defendant, the summons shall order him to appear in person in Court on the day therein specified.

Court may order defendant or plaintiff to appear in person.

(*2*) *Where* the Court sees reason to require the personal appearance of the plaintiff on the same day, it shall make an order for such appearance.

[S. 67.] 4. No party shall be ordered to appear in person unless he resides—

No party to be ordered to appear in person unless resident within fifty or, where there is railway, etc., two hundred miles.

(*a*) within the local limits of the Court's ordinary original jurisdiction, or

(*b*) without such limits *but* at a place less than fifty or (where there is railway *or steamer* communication *or other established public conveyance* for five sixths of the distance between the place where he resides and the place where the Court is situate), *less than* two hundred miles *distance* from the court-house.

[S. 68.] 5. The Court shall determine, at the time of issuing the summons, whether it shall be for the settlement of issues only, or for the final disposal of the suit; and the summons shall contain a direction accordingly:

Summons to be either to settle issues or for final disposal.

Provided that, in every suit heard by *a* Court of Small Causes, the summons shall be for the final disposal of the suit.

[S. 69.] 6. The day for the appearance of the defendant shall be fixed with reference to *the* current business *of the Court*, the place of residence of the defendant and the time necessary for the service of the summons; and the day shall be so fixed as to allow the defendant sufficient time to enable him to appear and answer on such day.

Fixing day for appearance of defendant.

7. The summons to appear and answer shall order the defendant to produce *all* documents in his possession or power upon which *he* intends to rely in support of his case. [S. 70.]

Summons to order defendant to produce documents relied on by him.

8. *Where* the summons is for the final disposal of the suit, it shall direct the defendant to produce, on the day fixed for his appearance, the witnesses upon whose evidence *and all documents upon which* he intends to rely in support of his case. [S. 71.]

On issue of summons for final disposal, defendant to be directed to produce his witnesses and documents.

Service of Summons.

9. (*1*) *Where* the defendant resides within the jurisdiction of the Court in which the suit is instituted, or has an agent resident within that jurisdiction who is empowered to accept the service of the summons, the summons shall, *unless the Court otherwise directs*, be delivered or sent to the proper officer to be served by him or one of his subordinates. [S. 72.]

Delivery or transmission of summons for service.

(*2*) The proper officer may be an officer of *a* Court *other* than that in which the suit is instituted, and, where he is such an officer, the summons may be sent to him by post or in such other manner as the Court may direct.

10. Service of the summons shall be made by delivering or tendering a copy thereof signed by the Judge or such officer as he appoints in this behalf, and sealed with the seal of the Court. [S. 73.]

Mode of service.

11. *Save as otherwise prescribed, where* there are more defendants than one, service of the summons shall be made on each defendant. [S. 74.]

Service on several defendants.

12. Wherever it *is* practicable, service shall be made on the defendant in person, unless he has an agent empowered to accept service, in which case service on such agent shall be sufficient. [S. 75.]

Service to be on defendant in person when practicable, or on his agent.

13. (*1*) In a suit relating to any business or work against a person who does not reside within the local limits of the jurisdiction of the Court from which the summons *is* issued, service on any manager or agent, who, at the time of service, personally carries on such business or work for such person within such limits, shall be deemed good service. [S. 76.]

Service on agent by whom defendant carries on business.

(*2*) For the purpose of this *rule* the master of a ship *shall be deemed to be* the agent of *the* owner or charterer.

14. *Where* in a suit to obtain relief respecting, or compensation for wrong to, immoveable property, service cannot be made on the defendant in person, and the defendant has no agent empowered to accept the service, it may be made on any agent of the defendant in charge of the property. [S. 77.]

Service on agent in charge in suits for immoveable property.

15. *Where* in any suit the defendant cannot be found and *has* no agent empowered to accept service of the summons on his behalf, service may be made on any adult male member of the family of the defendant who is residing with him. [S. 78.]

When service may be on male member of defendant's family.

Explanation.—A servant is not a member of the family within the meaning of this *rule*.

16. Where the serving officer delivers or tenders a copy of the summons to the defendant personally, or to an agent or other person on his behalf, he shall require the signature of the person to [S. 79.]

Person served to sign acknowledgment.

The Code of Civil Procedure Bill.

(The First Schedule.)—(Order V.)

whom the copy is so delivered or tendered to an acknowledgment of service endorsed on the original summons.

[S. 80.]

Procedure when defendant refuses to accept service, or cannot be found.

17. *Where* the defendant *or his agent or such other* person *as aforesaid* refuses to sign the acknowledgment, or *where* the serving officer, *after using all due and reasonable diligence*, cannot find the defendant, and there is no agent empowered to accept service of the summons on his behalf, nor any other person on whom service can be made, the serving officer shall affix a copy of the summons on the outer door *or some other conspicuous part* of the house in which the defendant ordinarily resides *or carries on business or personally works for gain* and *shall* then return the original to the Court from which it *was* issued, with a *report* endorsed thereon or annexed thereto stating that he has so affixed the copy, the circumstances under which he did so, *and the name and address of the person (if any) by whom the house was identified and in whose presence the copy was affixed.*

[S. 81.]

Endorsement of time and manner of service.

18. The serving officer shall, in all cases in which the summons has been served under rule 16, endorse or annex, or cause to be endorsed or annexed, on or to the original summons, a return stating the time when and the manner in which the summons was served, *and the name and address of the person (if any) identifying the person served and witnessing the delivery or tender of the summons.*

[S. 82.]

Examination of serving officer.

19. *Where* a summons is returned under rule 17, the Court shall, if the return under that *rule* has not been verified by the affidavit of the serving officer, and may, if it has been so verified, examine the serving officer on oath, or cause him to be so examined by another Court, touching his proceedings, and may make such further inquiry in the matter as it thinks fit; and shall either declare that the summons has been duly served or order such service as it thinks fit.

[S. 82, second para.]

Substituted service.

20. (*1*) Where the Court is satisfied that there is reason to believe that the defendant is keeping out of the way for the purpose of avoiding service, or that for any other reason the summons cannot be served in the ordinary way, the Court shall order the summons to be served by affixing a copy thereof in some conspicuous place in the Court-house, and also upon some conspicuous part of the house (if any) in which the defendant is known to have last resided *or carried on business or personally worked for gain*, or in such other manner as the Court thinks fit.

[S. 83.]

Effect of substituted service.

(2) Service substituted by order of the Court shall be as effectual as if it had been made on the defendant personally.

[S. 84.]

When service substituted, time for appearance to be fixed.

(*3*) *Where* service is substituted by order of the Court, the Court shall fix such time for the appearance of the defendant as the case may require.

[S. 85.]

Service of summons where defendant resides within jurisdiction of another Court.

21. (*1*) *A summons may be sent by the Court by which it is issued, whether within or without the Province, either by one of its officers or by post to any Court (not being the High Court) having jurisdiction in the place where the defendant resides.*

[S. 86.]

Service, within Presidency-towns and Rangoon, of process issued by Courts outside.

22. *Where a summons* issued by any Court established beyond the limits of the towns of Calcutta, Madras, Bombay and Rangoon is to be served within any such *limits*, it shall be sent to the Court of Small Causes within whose jurisdiction *it* is to be served.

Duty of Court to which summons is sent.

23. The Court to which such summons is sent shall, upon receipt thereof, proceed as if it had been issued by such Court and shall then return the summons to the Court *of issue, together with the record (if any) of its proceedings with regard thereto.*

Service on defendant in prison.

24. *Where* the defendant *is confined* in *a prison*, the summons shall be delivered *or sent by post or otherwise* to the officer in charge of the *prison for service on the defendant.*

Service where defendant resides out of British India and has no agent.

25. *Where* the defendant resides out of British India and has no agent in British India empowered to accept service, the summons shall be addressed to the defendant at the place where he is residing and *sent* to him by post, if there *is* postal communication between such place and the place where the Court is situate.

Service in foreign territory through Political Agent or Court.

26. *Where—*

(*a*) *in the exercise of any foreign jurisdiction vested in His Majesty or in the Governor General in Council*, a *Political* Agent *has been* appointed, or a Court *has been* established or continued, *with power to serve a summons issued by a Court under this Code in any foreign* territory in which the defendant resides, *or*

(*b*) *the Governor General in Council has, by notification in the Gazette of India, declared that any summons so issued may be served by any Court situate in any such territory and not established or continued in the exercise of any such jurisdiction as aforesaid,*

the summons may be sent to such *Political* Agent or Court, by post or otherwise, for the purpose of being served upon the defendant; and, if the *Political* Agent or Court returns the summons with an endorsement *signed by such Political Agent or by the Judge or other officer of the Court* that the summons has been served on the defendant in manner hereinbefore directed, such endorsement shall be *deemed to be* evidence of the service.

Service on civil public officer or on servant of railway or local authority.

27. Where the defendant is *a public officer (not belonging to His Majesty's military or naval forces or His Majesty's Indian Marine Service), or is the servant of a railway company or local authority*, the Court may, if it appears to *it* that the summons may be most conveniently so served, send *it for service on the defendant* to the head of the office in which *he* is employed, *together with a copy to be retained by the defendant.*

Service on soldiers.

28. *Where the defendant is a soldier, the Court shall send the summons for service to his commanding officer together with a copy to be retained by the defendant.*

Duty of person to whom summons is delivered or sent for service.

29. (*1*) *Where a summons is delivered or sent to any person for service under rule 24, rule 27 or rule 28, such person shall be bound to serve it, if possible, and to return it under his signature, with the written acknowledgment of the defendant, and such signature shall be deemed to be evidence of due service.*

(2) *Where from any cause service is impossible, the summons shall be returned to the Court with a full statement of such cause and of the steps taken to procure service, and such statement shall be deemed to be evidence of non-service.*

Substitution of letter for summons.

30. (*1*) The Court may, notwithstanding anything hereinbefore contained, substitute for *a* summons a letter signed by the Judge or such officer as he *may* appoint in this behalf, where the defendant is, in the opinion of the Court, of a rank entitling him to such mark of consideration.

The Code of Civil Procedure Bill.

(The First Schedule.)—(Orders V—VII.)

(2) *A* letter *substituted under sub-rule* (1) shall contain all the particulars required to be stated in a summons, and, subject to the provisions *of sub-rule* (3), shall be treated in all respects as a summons.

[S. 92.] (3) A letter so substituted may be sent to the defendant by post or by a special messenger selected by the Court, or in any other manner which the Court thinks fit; *and, where* the defendant has an agent empowered to accept service, the letter may be delivered or sent to such agent.

[New.]

ORDER VI.

Pleading generally.

Pleading. 1. "*Pleading*" *shall mean plaint or written statement.*

[O. 19, r. 4.] 2. *Every pleading shall contain, and contain only, a statement in a concise form of the material facts on which the party pleading relies for his claim or defence, as the case may be, but not the evidence by which they are to be proved, and shall, when necessary, be divided into paragraphs, numbered consecutively. Dates, sums and numbers shall be expressed in figures.*

Pleading to state material facts and not evidence.

[O. 19, r. 5.] 3. *The forms in Appendix A when applicable, and where they are not applicable forms of the like character, as nearly as may be, shall be used for all pleadings.*

Forms of pleading.

[O. 19, r. 6.] 4. *In all cases in which the party pleading relies on any misrepresentation, fraud, breach of trust, wilful default, or undue influence, and in all other cases in which particulars may be necessary beyond such as are exemplified in the forms aforesaid, particulars (with dates and items if necessary) shall be stated in the pleading.*

Particulars to be given where necessary.

[O. 19, r. 7.] 5. *A further and better statement of the nature of the claim or defence, or further and better particulars of any matter stated in any pleading, may in all cases be ordered, upon such terms, as to costs and otherwise, as may be just.*

Further and better statement, or particulars.

[O. 19, r. 14.] 6. *Any condition precedent, the performance or occurrence of which is intended to be contested, shall be distinctly specified in his pleading by the plaintiff or defendant, as the case may be; and, subject thereto, an averment of the performance or occurrence of all conditions precedent necessary for the case of the plaintiff or defendant shall be implied in his pleading.*

Condition precedent.

[O. 19, r. 16.] 7. *No pleading shall, except by way of amendment, raise any new ground of claim or contain any allegation of fact inconsistent with the previous pleadings of the party pleading the same.*

Departure.

8. *Where a contract is alleged in any pleading, a bare denial of the same by the opposite party shall be construed only as a denial in fact of the express contract alleged or of the matters of fact from which the same may be implied, and not as a denial of the legality or sufficiency in law of such contract.*

Denial of contract.

[O. 19, r. 23.] 9. *Wherever the contents of any document are material, it shall be sufficient in any pleading to state the effect thereof as briefly as possible, without setting out the whole or any part thereof, unless the precise words of the document or any part thereof are material.*

Effects of document to be stated.

[O. 19, r. 24.] 10. *Wherever it is material to allege malice, fraudulent intention, knowledge or other condition of the mind of any person, it shall be sufficient to allege the same as a fact without setting out the circumstances from which the same is to be inferred.*

Malice, knowledge, etc.

11. *Wherever it is material to allege notice to any person of any fact, matter or thing, it shall be sufficient to allege such notice as a fact, unless the form or the precise terms of such notice, or the circumstances from which such notice is to be inferred, is material.* [O. 19, r. 25.

Notice.

12. *Whenever any contract or any relation between any persons is to be implied from a series of letters or conversations or otherwise from a number of circumstances, it shall be sufficient to allege such contract or relation as a fact, and to refer generally to such letters, conversations or circumstances without setting them out in detail. And if in such case the person so pleading desires to rely in the alternative upon more contracts or relations than one as to be implied from such circumstances, he may state the same in the alternative.* [O. 19, r. 26.]

Implied contract, or relation.

13. *Neither party need in any pleading allege any matter of fact which the law presumes in his favour or as to which the burden of proof lies upon the other side unless the same has first been specifically denied (e. g., consideration for a bill of exchange where the plaintiff sues only on the bill, and not for the consideration as a substantive ground of claim).* [O. 28, r. 1.]

Presumptions of law.

14. Every pleading shall be signed by the party and his pleader (if any): Provided that where a party pleading is, by reason of absence or for other good cause, unable to sign the *pleading*, it may be signed by any person duly authorized by him *to sign the same or to sue or defend* in *his* behalf. [O. 28, r. 7.]

Pleading to be signed.

15. (1) *Save as otherwise provided by any law for the time being in force*, every pleading shall be verified at the foot by the party or *by one of the parties pleading* or by some other person proved to the satisfacation of the Court to be acquainted with the facts of the case. [O. 19, r. 21]

Verification of pleadings.

(2) *The person verifying shall specify, by reference to the numbered paragraphs of the pleading, what he verifies of his own knowledge and what he verifies upon information received and believed to be true.*

(3) The verification shall be signed by the person making it *and shall truly state the date on which and the place at which it was signed.*

16. *The Court may at any stage of the proceedings order to be struck out or amended any matter in any pleading which may be unnecessary or scandalous or which may tend to prejudice, embarrass or delay the fair trial of the suit.* [O. 19, r. 22.]

Striking out pleadings.

17. *The Court may at any stage of the proceedings allow either party to alter or amend his pleadings in such manner and on such terms as may be just, and all such amendments shall be made as may be necessary for the purpose of determining the real questions in controversy between the parties.* [S. 51.]

Amendment of pleadings.

18. *If a party who has obtained an order for leave to amend does not amend accordingly within the time limited for that purpose by the order or if no time is thereby limited then within fourteen days from the date of the order, such order to amend shall on the expiration of such limited time as aforesaid or of such fourteen days, as the case may be, become void unless the time is extended by the Court.* [Ss. 51, 57.]

Failure to amend after order.

ORDER VII.

Plaint.

1. The plaint *shall* contain the following particulars:— [S. 50.]

Particulars to be contained in plaint.

(*a*) the name of the Court in which the suit is brought;

The Code of Civil Procedure Bill.

(*The First Schedule.*)—(*Order VII.*)

(*b*) the name, description and place of residence of the plaintiff;

(*c*) the name, description and place of residence of the defendant, so far as they can be ascertained;

(*d*) *where the plaintiff or the defendant is a minor or a person of unsound mind, a statement to that effect;*

(*e*) the facts constituting the cause of action and when it arose;

(*f*) *the facts showing that the Court has jurisdiction;*

(*g*) the relief which the plaintiff claims;

(*h*) *where* the plaintiff has allowed a set-off or relinquished a portion of his claim, the amount so allowed or relinquished; and

(*i*) *a statement of the value of the subject-matter of the suit for the purposes of jurisdiction and of court-fees, so far as the case admits.*

[S. 50.] In money suits. 2. *Where* the plaintiff seeks the recovery of money, the plaint *shall* state the precise amount *claimed* admits:

But where the plaintiff sues for mesne profits, *or for an* amount which will be found due to *him* on taking unsettled accounts between him and the defendant, the plaint *shall* state approximately the amount sued for.

S. 50, para. 3.] *Where the subject-matter of the suit is immoveable property.* 3. *Where the subject-matter of the suit is immoveable property, the plaint shall contain a description of the property sufficient to identify it, and, in case such property can be identified by boundaries or numbers in a record of settlement or survey, the plaint shall specify such boundaries or numbers.*

[S. 50, para. 4.] When plaintiff sues as representative. 4. *Where* the plaintiff sues in a representative character, the plaint *shall* show not only that he has an actual existing interest in the subject-matter, but that he has taken the steps (*if any*) necessary to enable him to institute a suit concerning it.

[S. 59, para. 5.] Defendant's interest and liability to be shown. 5. The plaint *shall* show that the defendant is or claims to be interested in the subject-matter, *and that he is* liable to be called upon to answer the plaintiff's demand.

[S. 50, para. 6.] Grounds of exemption from limitation law. 6. *Where* the *suit is instituted after the expiration of* the period ordinarily *prescribed* by *the* law *of limitation,* the plaint *shall* show the ground upon which exemption from such law is claimed.

[O. 20, r. 6.] *Relief to be specifically stated.* 7. *Every plaint shall state specifically the relief which the plaintiff claims either simply or in the alternative, and it shall not be necessary to ask for general or other relief which may always be given as the Court may think fit just to the same extent as if it had been asked for. And the same rule shall apply to any relief claimed by the defendant in his written statement.*

[O. 20, r. 7.] *Relief founded on separate grounds.* 8. *Where the plaintiff seeks relief in respect of several distinct claims or causes of action founded upon separate and distinct grounds, they shall be stated as far as may be separately and distinctly. And the same rule shall apply where the defendant relies upon several distinct grounds of defence or set-off founded upon separate and distinct facts.*

[S. 58.] Procedure on admitting plaint. 9. (*1*) The plaintiff shall endorse on the plaint, or annex thereto, a *list* of the documents (if any) which he has produced along with it; and, if the plaint *is* admitted, shall present as many copies on plain paper of the plaint as there are defendants, unless the Court by reason of the length of the plaint or the number of the defendants, or for any other sufficient reason, permits him to present a like number of concise statements of the nature of the claim made, or of the relief *claimed* in the suit, in which case he shall present such statements.

Concise statements.

(*2*) *Where* the plaintiff sues, or the defendant or any of the defendants is sued, in a representative capacity, such statements shall show in what capacity the plaintiff or defendant sues or is sued.

(*3*) The plaintiff may, by leave of the Court, amend such statements so as to make them correspond with the plaint.

(*4*) The chief ministerial officer of the Court shall sign such memorandum and copies or statements if, on examination, he finds them to be correct.

Where plaint shall be returned. 10. (*1*) The plaint shall *at any stage of the suit* be returned to be presented to the Court *in which the suit should have been instituted.* [S. 57.]

Procedure on returning plaint. (*2*) On returning a plaint the Judge shall endorse thereon the date of its presentation and return, the name of the party presenting it, and a brief statement of the reasons for returning it.

When plaint shall be rejected. 11. The plaint shall be rejected in the following cases:— [Ss. 53, 54.]

(*a*) *where it does not disclose a cause of action;*

(*b*) *where* the relief *claimed* is undervalued, and the plaintiff, on being required by the Court to correct the valuation within a time to be fixed by the Court, fails to do so:

(*c*) *where* the relief *claimed* is properly valued, but the plaint is written upon paper insufficiently stamped, and the plaintiff, on being required by the Court to supply the requisite stamp-paper within a time to be fixed by the court, fails to do so:

(*d*) *where* the suit appears from the statement in the plaint to be barred by any law.

Procedure on rejecting plaint. 12. *Where* a plaint is rejected the Judge shall record an order to that effect with the reasons for such order. [S. 55.]

Where rejection of plaint does not preclude presentation of fresh plaint. 13. The rejection of the plaint on any of the grounds hereinbefore mentioned shall not of its own force preclude the plaintiff from presenting a fresh plaint in respect of the same cause of action. [S. 56.]

Documents relied on in plaint.

Production of document on which plaintiff sues. Delivery of document or copy. 14. (*1*) *Where* a plaintiff sues upon a document in his possession or power, he shall produce it in Court when the plaint is presented, and shall at the same time deliver the document or a copy thereof to be filed with the plaint. [S. 59.]

List of other documents. (*2*) *Where* he relies on any other documents (whether in his possession or power or not) as evidence in support of his claim, he shall enter such documents in a list to be added or annexed to the plaint.

Statement in case of documents not in his possession or power. 15. *Where* any such document *is* not in *the* possession or power *of the plaintiff,* he shall, if possible, state in whose possession or power it is. [S. 60.]

Suits on lost negotiable instruments. 16. *Where* the suit *is* founded upon a negotiable instrument, *and it is* proved that the instrument is lost, and an indemnity *is* given by the plaintiff, to the satisfaction of the Court, against the claims of any other person upon such instrument, the Court may *pass* such decree as it would have *passed* if the plaintiff had produced the instrument in Court when the plaint was presented, and had at the same time delivered a copy of the instrument to be filed with the plaint. [S. 61.]

The Code of Civil Procedure Bill.
(The First Schedule.)
(Orders VII, VIII.)

[S. 62.] XVIII of 1891.

Production of shop-book.

17. (*1*) *Save in so far as is otherwise provided by the Bankers' Books Evidence Act, 1891, where* the document on which the plaintiff sues *is* an entry in a shop-book or other book in his possession or power, the plaintiff shall produce the book at the time of filing the plaint, together with a copy of the entry on which he relies.

Original entry to be marked and returned.

(2) The Court, or such officer as it appoints in this behalf, shall forthwith mark the document for the purpose of identification; and, after examining and comparing the copy with the original, *shall, if it is found correct, certify it to be so and* return the book to the plaintiff and cause the copy to be filed.

[S. 63.]

Inadmissibility of document not produced when plaint filed.

18. (*1*) A document which ought to be produced in Court by the plaintiff when the plaint is presented, or to be entered in the list to be added or annexed to the plaint, and which is not produced or entered accordingly, shall not, without the leave of the Court, be received in evidence on his behalf at the hearing of the suit.

(*2*) Nothing in this *rule* applies to documents produced for cross-examination of the defendant's witnesses, or in answer to any case set up by the defendant or handed to a witness merely to refresh his memory.

ORDER VIII.

Written Statement and Set-off.

[S. 110.]

Written statement.

1. The defendant may, or, if so required, by the Court, shall at or before the first hearing or within such time as the Court may permit, present a written statement of his defence.

[O. 19, r. 15.]

New facts must be specially pleaded.

2. *The defendant must raise by his pleading all matters which show the suit not to be maintainable, or that the transaction is either void or voidable in point of law, and all such grounds of defence, as if not raised would be likely to take the opposite party by surprise, or would raise issues of fact not arising out of the plaint, as, for instance, fraud, limitation, release, payment, performance, or facts showing illegality.*

[O. 19, r. 17.]

Denial to be specific.

3. *It shall not be sufficient for a defendant in his written statement to deny generally the grounds alleged by the plaintiff, but the defendant must deal specifically with each allegation of fact of which he does not admit the truth, except damages.*

[O. 19, r. 19.]

Evasive denial.

4. *Where a defendant denies an allegation of fact in the plaint, he must not do so evasively, but answer the point of substance. Thus, if it is alleged that he received a certain sum of money, it shall not be sufficient to deny that he received that particular amount, but he must deny that he received that sum or any part thereof, or else set out how much he received. And if an allegation is made with divers circumstances, it shall not be sufficient to deny it along with those circumstances.*

[O. 19, r. 13.]

Specific denial.

5. *Every allegation of fact in the plaint, if not denied specifically or by necessary implication, or stated to be not admitted in the pleading of the defendant, shall be taken to be admitted, except as against a person under disability:*

[I of 1872, s. 58.]

Provided that the Court may in its discretion require any facts so admited to be proved otherwise than by such admission.

[S. 111.]

Particulars of set-off to be given in written statement.

6. (*1*) *Where* in a suit for the recovery of money the defendant claims to set-off against the plaintiff's demand any ascertained sum of money legally recoverable by him from the plaintiff, not exceeding the pecuniary limits of the jurisdiction of the Court, and both parties fill the same character as they fill in the plaintiff's suit, the defendant may, at the first hearing of the suit, but not afterwards unless permitted by the Court, present a written statement containing the particulars of the debt sought to be set off.

Effect of set-off.

(2) The written statement shall have the same effect as a plaint in a cross-suit so as to enable the Court to pronounce a final judgment *in respect* both *of* the original *claim and of the set-off:* but this shall not affect the lien, upon the amount decreed, of any pleader in respect of the costs payable to him under the decree.

(*3*) *The rules relating to a written statement by a defendant apply to a written statement in answer to a claim of set-off.*

Illustrations.

(*a*) A bequeaths Rs. 2,000 to B and appoints C his executor and residuary legatee. B dies and D takes out administration to B's effects. C pays Rs. 1,000 as surety for D; then D sues C for the legacy. C cannot set-off the debt of Rs. 1,000 against the legacy, for neither C nor D fills the same character with respect to the legacy as they fill with respect to the payment of the Rs. 1,000.

(*b*) A dies intestate and in debt to B. C takes out administration to A's effects and B buys part of the effects from C. In a suit for the purchase-money by C against B, the latter cannot set-off the debt against the price, for C fills two different characters, one as the vendor to B, in which he sues B, and the other as representative to A.

(*c*) A sues B on a bill of exchange. B alleges that A has wrongfully neglected to insure B's goods and is liable to him in compensation which he claims to set off. The amount not being ascertained can not be set off.

(*d*) A sues B on a bill of exchange for Rs. 500. B holds a judgment against A for Rs. 1,000. The two claims being both definite pecuniary demands may be set off.

(*e*) A sues B for compensation on account of trespass. B holds a promissory note for Rs. 1,000 from A and claims to set off that amount against any sum that A may recover in the suit. B may do so, for, as soon as A recovers, both sums are definite pecuniary demands.

(*f*) A and B sue C for Rs. 1,000. C cannot set off a debt due to him by A alone.

(*g*) A sues B and C for Rs. 1,000. B cannot set off a debt due to him alone by A.

(*h*) A owes the partnership firm of B and C Rs. 1,000. B dies, leaving C surviving. A sues C for a debt of Rs. 1,500 due in his separate character. C may set off the debt of Rs. 1,000.

Subsequent pleadings.

7. No pleading subsequent to the written statement of a defendant other than by way of defence to a set-off shall be presented except by the leave of the Court and upon such terms as the Court thinks fit, but the Court may at any time require a written statement or additional written statement from any of the parties and fix a time for presenting the same. [S. 112.]

Written statement not to be received after first hearing.

8. *Any ground of defence which has arisen after the institution of the suit or the presentation of a written statement claiming a set-off may be raised by the defendant or plaintiff, as the case may be, in his written statement.* [New.]

Procedure when party fails to present written statement called for by Court.

9. *Where any party from whom a written statement is so required fails to present the same within the time fixed by the Court, the Court may pronounce judgment against him, or make such order in relation to the suit as it thinks fit.* [S. 113.]

The Code of Civil Procedure Bill.
(The First Schedule.)
(Order IX.)

ORDER IX.

Appearance of Parties and Consequence of Non-appearance.

[S. 96.]

Parties to appear at time fixed in summons for defendant to appear and answer.

1. On the day fixed in the summons for the defendant to appear and answer, the parties shall be in attendance at the Court-house in person or by their respective pleaders, and the suit shall *then* be heard unless the hearing *is* adjourned to a future day fixed by the Court.

[S. 97.]

Dismissal of suit where summons not served in consequence of plaintiff's failure to pay fee for issuing.

2. *If on the day so fixed* it *is* found that the summons has not been served upon *the defendant* in consequence of the failure of the plaintiff to pay the court-fee *or postal charges (if any) chargeable or payable* for such service, the Court may *make an* order that the suit be dismissed:

Provided that no such order shall be *made* although the summons has not been served upon the defendant, if *on the day fixed for him to appear and answer* he attends in person or *by agent when* he is allowed to appear by agent.

[S. 98.]

Where neither party appears, suit to be dismissed.

3. *Where* neither party appears *when the suit is called on for hearing*, the *Court may make an order that the* suit be dismissed.

[S. 99.]

In such case plaintiff may bring fresh suit or Court may restore suit to its file.

4. *Where* a suit is dismissed under *rule 2* or *rule 3*, the plaintiff may (subject to the law of limitation) bring a fresh suit; or if, within the period of thirty days from the date of the order dismissing the suit, he satisfies the Court that there was sufficient excuse for his not paying the court-fee *and postal charges (if any) chargeable or payable* within the time *fixed by the Court before the issue* of the summons, or for his non-appearance, as the case may be, the Court shall *make* an order *setting* aside the dismissal and appointing a day for proceeding with the suit.

[S. 99A.]

Dismissal of suit where plaintiff, after summons returned unserved, fails for a year to apply for fresh summons.

5. (*1*) *Where*, after a summons has been issued to the defendant, or to one of several defendants, and returned unserved, the plaintiff fails for a period of one year from *the date of the* return *made to the Court by the officer ordinarily certifying to the Court returns made by the serving officers*, to apply for the issue of a fresh summons and to satisfy the Court that he has used his best endeavours to discover the residence of the defendant who has not been served, or that such defendant is avoiding service of process, the Court may *make an order* that the suit be dismissed as against such defendant.

(*2*) In such case the plaintiff may (subject to the law of limitation) bring a fresh suit.

[S. 100.]

Procedure when only plaintiff appears.

6. (*1*) *Where* the plaintiff appears and the defendant does not appear *when the suit is called on for hearing, then*—

(*a*) if it is proved that the summons was duly served, the Court may proceed *ex parte*;

When summons duly served.

(*b*) if it is not proved that the summons was duly served, the Court shall direct a second summons to be issued and served on the defendant;

When summons not duly served.

(*c*) if it is proved that the summons was served on the defendant, but not in sufficient time to enable him to appear and answer on the day fixed in the summons, the Court shall postpone the hearing of the suit to a future day to be fixed by the Court, and shall direct notice of such day to be given to the defendant.

When summons served, but not in due time.

(*2*) *Where* it is owing to the plaintiff's default that the summons was not *duly* served *or was not served* in sufficient time, the Court shall order *the plaintiff* to pay the costs occasioned by *the* postponement.

Procedure where defendant appears on day of adjourned hearing and assigns good cause for previous non-appearance.

7. *Where* the Court has adjourned the hearing of the suit *ex parte*, and the defendant, at or before such hearing, appears and assigns good cause for his previous non-appearance, he may, upon such terms as the Court directs as to costs or otherwise, be heard in answer to the suit as if he had appeared on the day fixed *for his appearance*. [S. [illegible]]

Procedure where defendant only appears.

8. *Where* the defendant appears and the plaintiff does not appear *when the suit is called on for hearing*, the Court shall *make an order that* the suit *be* dismiss*ed*, unless the defendant admits the claim, or part thereof, in which case the Court shall pass a decree against the defendant upon such admission, and, where part only of the claim has been admitted, shall dismiss the suit so far as it relates to the remainder. [S. [illegible]]

Decree against plaintiff by default bars fresh suit.

9. (*1*) Where a suit is wholly or partly dismissed under *rule 8*, the plaintiff shall be precluded from bringing a fresh suit in respect of the same cause of action. But he may apply for an order to set the dismissal aside, and if *in the opinion of the Court there was reasonable cause for his non-appearance* when the suit was called on for hearing, the Court shall set aside the dismissal upon such terms as to costs or otherwise as it thinks fit, and shall appoint a day for proceeding with the suit. [S. [illegible]]

(*2*) No order shall be made under this *rule* unless notice in writing of *the* application has been served *on* the *opposite party*.

Procedure in case of non-attendance of one or more of several plaintiffs.

10. *Where* there *are* more plaintiffs than one, and one or more of them appear, and the others do not appear, the Court may, at the instance of the plaintiff or plaintiffs appearing, permit the suit to proceed in the same way as if all the plaintiffs had appeared, *or make* such order as it thinks fit. [S. [illegible]]

Procedure in case of non-attendance of one or more of several defendants.

11. *Where* there *are* more defendants than one, and one or more of them appear and the others do not appear, the suit shall proceed, and the Court shall, at the time of *pronouncing* judgment, make such order as it thinks fit with respect to the defendants who do not appear. [S. [illegible]]

Consequence of non-attendance, without sufficient cause shown, of party ordered to appear in person.

12. *Where* a plaintiff or defendant, who has been ordered to appear in person, does not appear in person, or show sufficient cause to the satisfaction of the Court for failing so to appear, he shall be subject to all the provisions of the foregoing *rules* applicable to plaintiffs and defendants, respectively, who do not appear. [S. [illegible]]

Setting aside Decrees ex parte.

Setting aside decree *ex parte* against defendant.

13. In any case in which a decree is passed *ex parte* against a defendant, he may apply to the Court by which the decree was *passed* for an order to set it aside; and if he satisfies the Court that the summons was not duly served, or that he was prevented by any sufficient cause from appearing when the suit was called on for hearing, the Court shall *make* an order *setting* aside the decree as *against him* upon such terms as to costs, payment into Court or otherwise as it thinks fit, and shall appoint a day for proceeding with the suit. [S. [illegible]A]

No decree to be set aside without notice to opposite party.

14. No decree shall be set aside on any such application as aforesaid unless notice thereof in writing has been served on the opposite party. [S. [illegible]]

The Code of Civil Procedure Bill.

(The First Schedule.)

(Orders X, XI.)

ORDER X.

Examination of Parties by the Court.

[S. 117.] 1. At the first hearing of the suit the Court shall ascertain from each party or his pleader whether he admits or denies such allegations of fact as are made in the *plaint or* written statement (if any) of the opposite party, and as are not expressly or by necessary implication admitted or denied by the party against whom they are made. The Court shall record such admissions and denials.

Ascertainment whether allegations in plaint and written statements admitted or denied.

[S. 118.] 2. At the first hearing of the suit, or at any subsequent hearing, any party appearing in person or present in Court, or any person able to answer any material questions relating to the suit by whom such party or his pleader is accompanied, may be examined orally by the Court: and the Court may, if it thinks fit, put in the course of such examination questions suggested by either party.

Oral examination of party, or companion of himself or his pleader.

[S. 119.] 3. The substance of the examination shall be reduced to writing by the Judge, and shall form part of the record.

Substance of examination to be written.

[S. 120.] 4. (*1*) *Where* the pleader of any party who appears by a pleader *or any such person accompanying a pleader as is referred to in rule 2*, refuses or is unable to answer any material question relating to the suit which the Court is of opinion that the party whom he represents ought to answer, and is likely to be able to answer if interrogated in person, the Court may postpone the hearing of the suit to a future day and direct that such party shall appear in person on such day.

Consequence of refusal or inability of pleader to answer.

(2) If such party fails without lawful excuse to appear in person on the day so appointed, the Court may *pronounce judgment* against him, or make such order in relation to the suit as it thinks fit.

ORDER XI.

Discovery and Inspection.

[O. 31, r. 1.] 1. *In any suit the plaintiff or defendant by leave of the Court may deliver interrogatories in writing for the examination of the opposite parties or any one or more of such parties, and such interrogatories when delivered shall have a note at the foot thereof stating which of such interrogatories each of such persons is required to answer: Provided that no party shall deliver more than one set of interrogatories to the same party without an order for that purpose: Provided also that interrogatories which do not relate to any matters in question in the suit shall be deemed irrelevant, notwithstanding that they might be admissible on the oral cross-examination of a witness.*

Discovery by interrogatories.

[O. 31, r. 2.] 2. *On an application for leave to deliver interrogatories, the particular interrogatories proposed to be delivered shall be submitted to the Court. In deciding upon such application, the Court shall take into account any offer, which may be made by the party sought to be interrogated to deliver particulars, or to make admissions, or to produce documents relating to the matter in question, or any of them, and leave shall be given as to such only of the interrogatories submitted as the Court shall consider necessary either for disposing fairly of the suit or for saving costs.*

Particular interrogatories to be submitted.

[O. 31, r. 3.] 3. *In adjusting the costs of the suit inquiry shall at the instance of any party be made into the propriety of exhibiting such interrogatories, and if it is the opinion of the taxing officer or of the Court, either with or without an application for inquiry, that such interrogatories have been exhibited unreasonably, vexatiously, or at improper length, the costs occasioned by the said interrogatories and the answers thereto shall be paid in any event by the party in fault.*

Costs of interrogatories.

4. *Interrogatories shall be in the Form No. 2 in Appendix C, with such variations as circumstances may require.* [O. 31, r. 4.]

Form of interrogatories.

5. *Where any party to a suit is a corporation or a body of persons, whether incorporated or not, empowered by law to sue or be sued, whether in its own name or in the name of any officer or other person, any opposite party may apply for an order allowing him to deliver interrogatories to any member or officer of such corporation or body, and an order may be made accordingly.* [O. 31, r. 5.]

Corporations.

6. *Any objection to answering any interrogatory on the ground that it is scandalous or irrelevant or not exhibited bonâ fide for the purpose of the suit, or that the matters inquired into are not sufficiently material at that stage, or on any other ground, may be taken in the affidavit in answer.* [O. 31, r. 6.]

Objections to interrogatories by answer.

7. *Any interrogatories may be set aside on the ground that they have been exhibited unreasonably or vexatiously, or struck out on the ground that they are prolix, oppressive, unnecessary or scandalous; and any application for this purpose may be made within seven days after service of the interrogatories.* [O. 31, r. 7.]

Setting aside and striking out interrogatories.

8. *Interrogatories shall be answered by affidavit to be filed within ten days, or within such other time as the Court may allow.* [O. 31, r. 8.]

Affidavit in answer, filing.

9. *No exceptions shall be taken to any affidavit in answer, but the sufficiency or otherwise of any such affidavit objected to as insufficient shall be determined by the Court.* [O. 31, r. 10.]

No exception to be taken.

10. *Where any person interrogated omits to answer, or answers insufficiently, the party interrogating may apply to the Court for an order requiring him to answer, or to answer further, as the case may be. And an order may be made requiring him to answer or answer further, either by affidavit or by vivâ voce examination, as the Court may direct.* [O. 31, r. 11.]

Order to answer or answer further.

11. *Any party may, without filing any affidavit, apply to the Court for an order directing any other party to any suit to make discovery on oath of the documents which are or have been in his possession or power, relating to any matter in question therein. On the hearing of such application the Court may either refuse or adjourn the same, if satisfied that such discovery is not necessary, or not necessary at that stage of the suit, or make such order, either generally or limited to certain classes of documents, as may, in its discretion, be thought fit: Provided that discovery shall not be ordered when and so far as the Court shall be of opinion that it is not necessary either for disposing fairly of the suit or for saving costs.* [O. 31, r. 12; S. 129.]

Application for discovery of documents.

12. *The affidavit to be made by a party against whom such order as is mentioned in the last preceding rule has been made, shall specify which (if any) of the documents therein mentioned he objects to produce, and it shall be in the Form No 7 in Appendix C, with such variations as circumstances may require.* [O. 31, r. 13.]

Affidavit of documents.

The Code of Civil Procedure Bill.

(*The First Schedule.*)

(*Order XI.*)

[O. 31, r. 14; S. 130.]

Production of documents.

13. *It shall be lawful for the Court, at any time during the pendency of any suit, to order the production by any party thereto, upon oath, of such of the documents in his possession or power, relating to any matter in question in such suit, as the Court shall think right; and the Court may deal with such documents, when produced, in such manner as shall appear just.*

[O. 31, r. 15; S. 131.]

Inspection of documents referred to in pleadings or affidavits.

14. *Every party to a suit shall be entitled, at any time, by notice in writing, to give notice to any other party, in whose pleadings or affidavits reference is made to any document, to produce such document for the inspection of the party giving such notice, or of his pleader, and to permit him or them to take copies thereof; and any party not complying with such notice shall not afterwards be at liberty to put any such document in evidence on his behalf in such suit unless he shall satisfy the Court that such document relates only to his own title, he being a defendant to the suit, or that he had some other cause or excuse which the Court shall deem sufficient for not complying with such notice, in which case the Court may allow the same to be put in evidence on such terms as to costs and otherwise as the Court shall think fit.*

[O. 31, r. 16.]

Notice to produce.

15. *Notice to any party to produce any documents referred to in his pleadings or affidavits shall be in the Form No. 5 in Appendix C, with such variations as circumstances may require.*

[O. 31, r. 17; S. 132.]

Time for inspection when notice given.

16. *The party to whom such notice is given shall, within ten days from the receipt of such notice, deliver to the party giving the same a notice stating a time within three days from the delivery thereof at which the documents, or such of them as he does not object to produce, may be inspected at the office of his pleader, or in the case of bankers' books or other books of account or books in constant use for the purposes of any trade or business, at their usual place of custody, and stating which (if any) of the documents he objects to produce, and on what ground. Such notice shall be in the Form No. in Appendix with such variations as circumstances may require.*

[O. 31, r. 18]

Order for inspection.

17. (*1*) *Where the party served with notice under rule 16 omits to give such notice of a time for inspection or objects to give inspection, or offers inspection elsewhere than at the office of his pleader, the Court may, on the application of the party desiring it, make an order for inspection in such place and in such manner as it may think fit: Provided that the order shall not be made when and so far as the Court shall be of opinion that it is not necessary either for disposing fairly of the suit or for saving costs.*

(*2*) *Any application to inspect documents, except such as are referred to in the pleadings, particulars or affidavits of the party against whom the application is made or disclosed in his affidavit of documents shall be founded upon an affidavit showing of what documents inspection is sought, that the party applying is entitled to inspect them, and that they are in the possession or power of the other party. The Court shall not make such order for inspection of such documents when and so far as the Court shall be of opinion that it is not necessary either for disposing fairly of the suit or for saving costs.*

[O. 31, r. 19]

Verified copies.

18. (*1*) *Where inspection of any business books is applied for, the Court may, if it thinks fit, instead of ordering inspection of the original books, order a copy of any entries therein to be furnished and verified by the affidavit of some person who has examined the copy with the original entries, and such affidavit shall state whether or not there are in the original book any and what erasures, interlineations or alterations: Provided that, notwithstanding that such copy has been supplied, the Court may order inspection of the book from which the copy was made.*

(*2*) *Where on an application for an order for inspection privilege is claimed for any document, it shall be lawful for the Court to inspect the document for the purpose of deciding as to the validity of the claim of privilege.*

(*3*) *The Court may, on the application of any party to a suit at any time, and whether an affidavit of documents shall or shall not have already been ordered or made, make an order requiring any other party to state by affidavit whether any one or more specific documents, to be specified in the application, is or are, or has or have at any time been, in his possession or power; and, if not then in his possession, when he parted with the same and what has become thereof. Such application shall be made on an affidavit stating that in the belief of the deponent the party against whom the application is made has, or has at some time had, in his possession or power the document or documents specified in the application, and that they relate to the matters in question in the suit, or to some of them.*

[O. 31, r. 20]

Premature discovery.

19. *Where the party from whom discovery of any kind or inspection is sought objects to the same, or any part thereof, the Court may, if satisfied that the right to the discovery or inspection sought depends on the determination of any issue or question in dispute in the suit, or that for any other reason it is desirable that any issue or question in dispute in the suit should be determined before deciding upon the right to the discovery or inspection, order that such issue or question be determined first, and reserve the question as to the discovery or inspection.*

[O. 31, r. 21; S. 136.]

Non-compliance with order for discovery.

20. *Where any party fails to comply with any order to answer interrogatories, or for discovery or inspection of documents, he shall, if a plaintiff, be liable to have his action dismissed for want of prosecution, and, if a defendant, to have his defence, if any, struck out, and to be placed in the same position as if he had not defended, and the party interrogating may apply to the Court for an order to that effect, and an order may be made accordingly.*

[O. 31, r. 24]

Using answers to interrogatories at trial.

21. *Any party may, at the trial of a suit, use in evidence any one or more of the answers or any part of an answer of the opposite party to interrogatories without putting in the others or the whole of such answer: Provided always that in such case the Court may look at the whole of the answers, and if it shall be of opinion that any others of them are so connected with those put in that the last-mentioned answers ought not to be used without them, it may direct them to be put in.*

[O. 31, r. 29]

Order to apply to infants.

22. *This Order shall apply to infant plaintiffs and defendants, and to the next friends and guardians for the suit of persons under disability.*

The Code of Civil Procedure Bill.

(The First Schedule.)

(Orders XII, XIII.)

ORDER XII.

Admission.

[O. 32, r. 1.] 1. *Any party to a suit may give notice, by his pleading, or otherwise in writing, that he admits the truth of the whole or any part of the case of any other party.*

Notice of admission of case.

[O. 32, r. 2; s. 128.] 2. *Either party may call upon the other party to admit any document, saving all just exceptions; and in case of refusal or neglect to admit, after such notice, the costs of proving any such document shall be paid by the party so neglecting or refusing, whatever the result of the suit may be, unless the Court otherwise directs; and no costs of proving any document shall be allowed unless such notice is given, except where the omission to give the notice is, in the opinion of the Court, a saving of expense.*

Notice to admit documents.

[O. 32, r. 3.] 3. *A notice to admit documents shall be in the Form No. 6 in Appendix C, with such variations as circumstances may require.*

Form of notice.

[O. 32, r. 4.] 4. *Any party may, by notice in writing, at any time not later than nine days before the day fixed for the hearing, call on any other party to admit, for the purposes of the suit only, any specific fact or facts mentioned in such notice. And in case of refusal or neglect to admit the same within six days after service of such notice, or within such further time as may be allowed by the Court, the costs of proving such fact or facts shall be paid by the party so neglecting or refusing, whatever the result of the suit may be, unless the Court otherwise directs: Provided that any admission made in pursuance of such notice is to be deemed to be made only for the purposes of the particular suit, and not as an admission to be used against the party on any other occasion or in favour of any person other than the party giving the notice: Provided also that the Court may at any time allow any party to amend or withdraw any admission so made on such terms as may be just.*

Notice to admit facts.

[O. 32, r. 5.] 5. *A notice to admit facts shall be in the Form No. 6 in Appendix C, and admissions of facts shall be in the Form No. 7 in Appendix C, with such variations as circumstances may require.*

Forms of admissions.

[O. 32, r. 6.] 6. *Any party may at any stage of a suit, where admissions of fact have been made, either on the pleadings, or otherwise, apply to the Court for such judgment or order as upon such admissions he may be entitled to, without waiting for the determination of any other question between the parties: and the Court may upon such application make such order, or give such judgment, as the Court may think just.*

Judgment on admissions.

[O. 32, r. 7.] 7. *An affidavit of the pleader or his clerk, of the due signature of any admissions made in pursuance of any notice to admit documents or facts, shall be sufficient evidence of such admissions, if evidence thereof is required.*

Affidavit of signature.

[O. 32, r. 8.] 8. *Notice to produce documents shall be in the Form No. 5 in Appendix C, with such variations as circumstances may require. An affidavit of the pleader, or his clerk, of the service of any notice to produce, and of the time when it was served, with a copy of the notice to produce, shall in all cases be sufficient evidence of the service of the notice, and of the time when it was served.*

Notice to produce documents.

[O. 32, r. 9.] 9. *If a notice to admit or produce specifies documents which are not necessary, the costs occasioned thereby shall be borne by the party giving such notice.*

Costs.

ORDER XIII.

Production, Impounding and Return of Documents.

[S. 138.] 1. (*1*) The parties or their pleaders shall *produce* at the first hearing of the suit, *or at such later times as may be fixed by the Court*, all the documentary evidence of every description in their possession or power, on which they intend to rely, and which has not already been filed in Court, and all documents which the Court has ordered to be produced.

Documentary evidence to be produced at first hearing.

(*2*) The Court shall receive the documents *so* produced: provided that *they are* accompanied by an accurate list thereof prepared in such form as the Court directs.

2. No documentary evidence in the possession or power of any party which should have been but has not been produced in accordance with the requirements of *rule 1* shall be received at any subsequent stage of the proceedings unless good cause *is* shown to the satisfaction of the Court for the non-production thereof; and the *Court* receiving any such evidence shall record *the* reasons for so doing. [S. 139.]

Effect of non-production of documents.

3. The Court may at any stage of the suit reject any document which it considers irrelevant or otherwise inadmissible, recording the grounds of such rejection. [S. 140.]

Rejection of irrelevant or inadmissible documents.

4. (*1*) Subject to the provisions of the next following sub-*rule*, there shall be endorsed on every document which has been admitted in evidence in the suit the following particulars, namely:— [S. 141.]

Endorsements on documents admitted in evidence.

(*a*) the number and title of the suit,

(*b*) the name of the person producing the document,

(*c*) the date on which it was produced, and

(*d*) a statement of its having been so admitted;

and the endorsement shall be signed *or initialled* by the Judge.

(*2*) *Where* a document so admitted is an entry in a book, account or record, and a copy thereof has been substituted for the original under *the next following rule*, the particulars aforesaid shall be endorsed on the copy and the endorsement thereon shall be signed *or initialled* by the Judge.

5. (*1*) *Save in so far as is otherwise provided by the Bankers' Books Evidence Act, 1891, where* a document admitted in evidence in the suit is an entry in a *letter-book or a* shop-book or other account in current use, the party on whose behalf the *book or* account is produced may furnish a copy of the entry. [S. 141A.] XVIII of 1891.

Endorsements on copies of admitted entries in books, accounts and records.

(*2*) *Where* such a document is an entry in a public record produced from a public office or by a public officer, or an entry in a book or account belonging to a person other than a party on whose behalf the book or account is produced, the Court may require a copy of the entry to be furnished—

(*a*) where the record, book or account is produced on behalf of a party, then by that party, or

(*b*) where the record, book or account is produced in obedience to an order of the Court acting of its own motion, then by either or any party.

(*3*) *Where* a copy of an entry is furnished under the foregoing provisions of this *rule*, the Court shall, after causing the copy to be examined, compared and *certified* in manner mentioned in rule *17 of Order VII*, mark the entry and cause the book, account or record in which it occurs to be returned to the person producing it.

6. *Where* a document relied on as evidence by either party is considered by the Court to be inadmissible in evidence, there shall be endorsed thereon the particulars mentioned in clauses (*a*), (*b*) and (*c*) of *rule 4, sub-rule (1), together with* a statement of its having been rejected, and the endorsement shall be signed *or initialled* by the Judge. [S. 142.]

Endorsements on documents rejected as inadmissible in evidence.

7. (*1*) Every document which has been admitted in evidence, or a copy thereof where a copy has been substituted for the original under *rule 4*, shall form part of the record of the suit. [S. 142A.]

Recording of admitted and return of rejected documents.

(*2*) Documents not admitted in evidence shall not form part of the record and shall be returned to the *persons* respectively producing them.

The Code of Civil Procedure Bill.

(*The First Schedule.*)

(*Orders XIII, XIV.*)

[S. 143.] 8. Notwithstanding anything contained in *rule 5 or rule 7 of this order or in rule 17 of Order VII*, the Court may, if it sees sufficient cause, direct any document or book produced before it in any suit to be impounded and kept in the custody of an officer of the Court, for such period and subject to such conditions as the Court thinks fit.

Court may order any document to be impounded.

[S. 144.] 9. (*1*) *Any* person, whether a party to the suit or not, desirous of receiving back any document produced by him in the suit and placed on the record shall, unless the document is impounded under *rule 8*, be entitled to receive back the *same*,—

Return of admitted documents.

(*a*) *where the suit is one* in which an appeal is not allowed, when the suit has been disposed of, and

(*b*) *where the suit is one* in which an appeal is allowed, when *the Court is satisfied that* the time for preferring an appeal has elapsed *and that no* appeal has been preferred *or, if an appeal has been preferred*, when the appeal has been disposed of:

Provided that a document may be returned at any time *earlier* than that prescribed by this *rule* if the person applying *therefor* delivers to the proper officer a certified copy to be substituted for the original *and undertakes to produce the original if required to do so*:

Provided also that no document shall be returned which, by force of the decree, has become *wholly* void or useless.

(*2*) On the return of a document admitted in evidence, a receipt shall be given by the *person* receiving it.

[S. 137.] 10 (*1*) The Court may of its own *motion*, and may in its discretion upon the application of any of the parties to a suit, send for either from its own records *or from* any other Court, the record of any other suit or proceeding, and inspect the same.

Court may send for papers from its own records or from other Courts.

(*2*) Every application made under this *rule* shall (unless the Court otherwise directs) be supported by an affidavit of the applicant or his pleader, showing how the record is material to the suit in which the application is made, and that the applicant cannot without unreasonable delay or expense obtain a duly authenticated copy of the record or of such portion thereof as the applicant requires, or that the production of the original is necessary for the purposes of justice.

(*3*) Nothing contained in this *rule* shall be deemed to enable the Court to use in evidence any document which under the *law of evidence* would be inadmissible in the suit.

S. 145.] 11. The provisions herein contained as to documents shall, so far as may be, apply to all other material objects producible as evidence.

Provisions as to documents applied to material objects.

ORDER XIV.

Settlement of Issues and Determination of Points of Law.

[S. 146.] 1. (*1*) Issues arise when a material proposition of fact or law is affirmed by the one party and denied by the other.

Framing of issues.

(*2*) Material propositions are those propositions of law or fact which a plaintiff must allege in order to show a right to sue *or a defendant must allege in order to constitute his defence.*

(*3*) Each material proposition affirmed by one party and denied by the other shall form the subject of a distinct issue.

(*4*) Issues are of two kinds: (*a*) issues of fact, (*b*) issues of law.

(*5*) At the first hearing of the suit the Court shall, after reading the plaint and the written statements, if any, and after such examination of the parties as may appear necessary, ascertain upon what material propositions of fact or of law the parties are at variance, and shall thereupon proceed to frame and record the issues on which the right decision of the case appears to the Court to depend.

(*6*) Nothing in this *rule* requires the Court to frame and record issues *where* the defendant at the first hearing of the suit makes no defence.

2. *Where* issues both of law and of fact arise in the same suit, and the Court is of opinion that the case may be disposed of on the issues of law only, it shall try those issues first, and for that purpose may, if it thinks fit, postpone the settlement of the issues of fact until after the issues of law have been determined. [S. 146, sixth para.]

Issues of law and of fact.

3. The Court may frame the issues from all or any of the following materials:— [S. 147.]

Allegations from which issues may be framed.

(*a*) allegations made on oath by the parties, or by any persons present on their behalf, or made by the pleaders of such parties;

(*b*) allegations made in the *pleadings* or in answers to interrogatories delivered in the suit;

(*c*) the contents of documents produced by either party.

4. *Where* the Court *is* of opinion that the issues cannot be correctly framed without the examination of some person not before the Court or without the inspection of some document not produced in the suit, it may adjourn the framing of the issues to a future day, and may (subject to *any law for the time being in force*) compel the attendance of any person or the production of any document by the person in whose *possession or power* it *is* by summons or other process. [S. 148.]

Court may examine witnesses or documents before framing issues.

5. (*1*) The Court may at any time before passing a decree amend the issues or frame additional issues on such terms as it thinks fit, and all such amendments or additional issues as may be necessary for determining the *matters in* controversy between the parties shall be so made or framed. [S. 149.]

Power to amend, and strike out, issues.

(*2*) The Court may also, at any time before passing a decree, strike out any issues that appear to it to be wrongly framed or introduced.

6. *Where* the parties to a suit are agreed as to the question of fact or of law to be decided between them, they may state the same in the form of an issue, and enter into an agreement in writing that, upon the finding of the Court in the affirmative or the negative of such issue,— [S. 150.]

Questions of fact or law may by agreement be stated in form of issues.

(*a*) a sum of money specified in the agreement or to be ascertained by the Court, or in such manner as the Court may direct, shall be paid by one of the parties to the other of them, or that one of them be declared entitled to some right or subject to some liability specified in the agreement;

(*b*) some property specified in the agreement and in dispute in the suit shall be delivered by one of the parties to the other of them, or as that other may direct; or

(*c*) one or more of the parties shall do or abstain from doing some particular act specified in the agreement and relating to the matter in dispute.

7. *Where* the Court *is* satisfied, after making such inquiry as it deems proper,— [S. 151.]

Court, if satisfied that agreement was executed in good faith, may pronounce judgment.

(*a*) that the agreement was duly executed by the parties,

The Code of Civil Procedure Bill.
(The First Schedule.)—(Orders XIV—XVI.)

(*b*) that they have a substantial interest in the decision of such question as aforesaid, and

(*c*) that the same is fit to be tried and decided,

it *shall* proceed to record and try the issue and state its finding or *decision* thereon in the same manner as if the issue had been framed by the Court;

and *shall*, upon the finding or decision on such issue, pronounce judgment according to the terms of the agreement; and, upon the judgment so *pronounced, a* decree shall follow.

ORDER XV.

Disposal of the Suit at the first Hearing.

[S. 152.] Parties not at issue.

1. *Where* at the first hearing of a suit it appears that the parties are not at issue, on any question of law or of fact, the Court may at once pronounce judgment.

[S. 153.] One of several defendants not at issue.

2. Where there are more defendants than one, and any one of the defendants is not at issue with the plaintiff on any question of law or *of* fact, the Court may at once pronounce judgment for or against such defendant and the suit shall proceed only against the other defendants.

[S. 154.] Parties at issue.

3. (*1*) *Where* the parties are at issue on some question of law or of fact, and issues have been framed by the Court as hereinbefore provided, if the Court *is* satisfied that no further argument or evidence than the parties can at once *adduce* is required upon such of the issues as may be sufficient for the decision of the suit, and that no injustice will result from proceeding with the suit forthwith, the Court may proceed to determine such issues, and, if the finding thereon is sufficient for the decision, may pronounce judgment accordingly, whether the summons has been issued for the settlement of issues only or for the final disposal of the suit:

Provided that, where the summons has been issued for the settlement of issues only, the parties or their pleaders are present and none of them object.

(*2*) *Where* the finding is not sufficient for the decision, the Court shall postpone the further hearing of the suit, and shall fix a day for the production of such further evidence, or for such further argument as the case requires.

[S. 155.] Failure to produce evidence.

4. *Where* the summons has been issued for the final disposal of the suit and either party fails without sufficient cause to produce the evidence on which he relies, the Court may at once pronounce judgment, or may, if it thinks fit, after framing and recording issues, adjourn the suit for the production of such evidence as may be necessary *for* its decision upon such issues.

ORDER XVI.

Summoning and Attendance of Witnesses.

[S. 159.] Summons to attend to give evidence or produce documents.

1. At any time *after the suit is instituted*, the parties may obtain, on application to the Court or to such officer as it appoints in this behalf, summonses to persons whose attendance is required either to give evidence or to produce documents.

[S. 160.] Expenses of witnesses to be paid into Court on applying for summons.

2. (*1*) The party applying for a summons shall, before the summons is granted and within a period to be fixed, pay into Court such a sum of money as appears to the Court to be sufficient to defray the travelling and other expenses of the person summoned in passing to and from the Court in which he is required to attend, and for one day's attendance.

Experts.

(*2*) *In determining the amount payable under this rule, the Court may, in the case of any person summoned to give evidence as an expert, allow reasonable remuneration for the time occupied both in giving evidence and in performing any work of an expert character necessary for the case.*

Scale of expenses.

(*3*) *Where* the Court *is* subordinate to a High Court, regard shall be had, in fixing the scale of such expenses, to *any* rules *made in that behalf.*

Tender of expenses to witness.

3. The sum so paid into Court shall be tendered to the person summoned, at the time of serving the summons, if it can be served personally. [S. 161.]

Procedure where insufficient sum paid in.

4. (*1*) *Where* it appears to the Court or to such officer as it appoints in this behalf that the sum paid into Court is not sufficient to cover such expenses *or reasonable remuneration*, the Court may direct such further sum to be paid to the person summoned as appears to be necessary on that account, and, in case of default in payment, may order such sum to be levied by attachment and sale of the moveable property of the party obtaining the summons; or the Court may discharge the person summoned without requiring him to give evidence; or may both order such levy and discharge such person as aforesaid. [S. 162.]

Expenses of witnesses detained more than one day.

(*2*) *Where* it *is* necessary to detain the person summoned for a longer period than one day, the Court may, from time to time, order the party at whose instance he was summoned to pay into Court such sum as is sufficient to defray the expenses of his detention for such further period, and, in default of such deposit being made, may order such sum to be levied by attachment and sale of the moveable property of *such* party; or the Court may discharge the person summoned without requiring him to give evidence; or may both order such levy and discharge such person as aforesaid.

Time, place and purpose of attendance to be specified in summons.

5. Every summons for the attendance of a person to give evidence or *to* produce a document shall specify the time and place at which he is required to attend, and also whether his attendance is required for the purpose of giving evidence or to produce a document, or for both purposes; and any particular document, which the person summoned is called on to produce, shall be described in the summons with reasonable accuracy. [S. 163.]

Summons to produce document.

6. Any person may be summoned to produce a document, without being summoned to give evidence; and any person summoned merely to produce a document shall be deemed to have complied with the summons if he causes such document to be produced instead of attending personally to produce the same. [S. 164.]

Power to require persons present in Court to give evidence or produce document.

7. Any person present in Court may be required by the Court to give evidence or to produce any document then and there in his possession or power. [S. 165.]

Summons how served.

8. Every summons *under this Order* shall be served as nearly as may be in *the same* manner *as a* summons *to a* defendant, and the rules in *Order V* as to proof of service shall apply in the case of all summonses served under this *rule*. [S. 166.]

Time for serving summons.

9. Service shall in all cases be made a sufficient time before the time specified in the summons for the attendance of the person summoned, to allow him a reasonable time for preparation and for travelling to the place at which his attendance is required. [S. 167.]

Procedure where witness fails to comply with summons.

10. (*1*) *Where* a person *to whom* a summons *has been issued* either *to attend* to give evidence or to produce a document *fails to attend or to produce the document in compliance with such summons*, the Court shall, if the certificate of the serving-officer has not been verified by affidavit, and may, if it has been so verified, examine the serving-officer on oath, or cause him to be so examined by another Court, touching the *service or* non-service of *the summons*. [S. 168.]

The Code of Civil Procedure Bill.

(*The First Schedule.*)—(*Orders XVI, XVII.*)

(2) *Where the Court sees reason to believe* that such evidence or production is material. and that *such* person *has, without lawful excuse, failed to attend or to produce the document in compliance with such summons or has intentionally avoided service,* it *may* issue a proclamation requiring him to attend to give evidence or produce the document at a time and place to be named therein; and a copy of such proclamation shall be affixed on the outer door *or other conspicuous part* of the house in which he ordinarily resides.

(3) *In lieu of or at the time of issuing* such proclamation, *or at any time afterwards,* the Court may, in its discretion *issue a warrant, either with or without bail, for the arrest of such person, and may* make an order for the attachment of *his* property to such amount as it thinks fit, not exceeding the amount of the costs of attachment and of the fine which may be imposed under section 32:

Provided that no Court of Small Causes shall make an order for the attachment of immoveable property.

S. 169.]

If witness appears, attachment may be withdrawn.

11. *Where, at any time after* the attachment of his property, such person appears and satisfies the Court—

(*a*) that he did not, *without lawful excuse, fail to comply with the summons or intentionally avoid service,* and,

(*b*) *where he has failed to attend at the time and place named in a proclamation issued under the last preceding rule,* that he had *no* notice of *such* proclamation in time to attend,

the Court shall direct that the property be released from attachment, and shall make such order as to the costs of the attachment as it thinks fit.

. 170.]

Procedure if witness fails to appear.

12. The Court may, *where* such person does not appear, or appears *but* fails *so* to satisfy the Court, impose upon him such fine not exceeding five hundred rupees as *it* thinks fit, having regard to his condition in life and all the circumstances of the case, and may order *his* property, or any part thereof, to be *attached and sold or, if already attached under rule 10, to be* sold for the purpose of satisfying all costs of such attachment, together with the amount of the said fine, if any:

Provided that, if the person whose attendance is required pays into Court the costs and fine aforesaid, the Court shall order the property to be released from attachment.

[New.]

Mode of attachment.

13. *The provisions with regard to the attachment and sale of property in the execution of a decree shall, so far as they are applicable, be deemed to apply to any attachment and sale under this Order as if the person whose property is so attached were a judgment-debtor.*

[S. 171.]

Court may of its own accord summon as witnesses strangers to suit.

14. Subject to the *provisions* of this Code as to attendance and appearance and to *any law for the time being in force, where* the Court at any time thinks it necessary to examine any person other than a party to the suit and not *called* as a witness by a party to the suit, the Court may, of its own motion, cause such person to be summoned as a witness to give evidence, or to produce any document in his possession, on a day to be appointed, and may examine him as a witness or require him to produce such document.

[S. 172.]

Duty of persons summoned to give evidence or produce document.

15. Subject as last aforesaid, whoever is summoned to appear and give evidence in a suit *shall* attend at the time and place named in the summons for that purpose, and whoever is summoned to produce a document *shall* either attend to produce it, or cause it to be produced, at such time and place.

[S. 173.]

When they may depart.

16. (1) A person so summoned and attending shall, unless the Court *otherwise directs, attend at each hearing* until *the suit has been disposed of.*

(2) *On the application of either party and the payment through the Court of all necessary expenses (if any), the Court may require any person so summoned and attending to enter into his recognizances to attend at the next or any other hearing or until the suit is disposed of and, in default of entering into such recognizances, may order him to be detained in the civil prison.*

Application of rules 10 to 13.

17. The *provisions of rules 10 to 13 shall, so far as they are applicable, be deemed to apply to any person who having attended in compliance with* a summons departs, *without lawful excuse,* in contravention *of rule 16.* [174, ra., and]

Procedure where witness apprehended cannot give evidence or produce documents.

18. *Where* any person *arrested under a warrant is* brought before the Court *in custody and* cannot, owing to the absence of the parties or any of them, give the evidence or produce the document which he has been summoned to give or produce, the Court may require him to give reasonable bail or other security for his appearance at such time and place as it thinks fit, and, on such bail or security being given, may release him, *and, in default of his giving such bail or security, may order him to be detained in the civil prison.* [S. 174]

Persons bound to attend in person.

19. No one shall be bound to attend in person to give evidence or to be examined in *any* Court unless he resides— [S. 176]

(*a*) within the local limits of its ordinary original jurisdiction, or

(*b*) without such limits *but* at a place less than fifty or (where there is railway *or steamer* communication *or other established public conveyance* for five-sixths of the distance between the place where he resides and the place where the Court is situate) *less than* two hundred miles distance from the Court-house.

Consequence of refusal of party to give evidence when called on by Court.

20. *Where* any party to a suit present in Court refuses, without lawful excuse, when required by the Court, to give evidence or to produce any document then and there in his possession or power, the Court may pronounce judgment against him or make such order in relation to the suit as it thinks fit. [S. 177]

Rules as to witnesses to apply to parties summoned.

21. *Where* any party to a suit is required to give evidence or to produce a document, the *provisions* as to witnesses shall apply to him so far as they are applicable. [S. 178]

ORDER XVII.

Adjournments.

Court may grant time and adjourn hearing.

1. (1) The Court may, if sufficient cause *is* shown, at any stage of the suit grant time to the parties or to any of them, and may from time to time adjourn the hearing of the suit. [S. 158]

Costs of adjournment.

(2) In *every* such case the Court shall fix a day for the further hearing of the suit, and may make such order as it thinks fit with respect to the costs occasioned by the adjournment:

Provided that, when the hearing of evidence has once begun, the hearing of the suit shall be continued from day to day until all the witnesses in attendance have been examined, unless the Court finds the adjournment of the hearing *beyond the following day* to be necessary for reasons to be recorded.

Procedure if parties fail to appear on day fixed.

2. *Where,* on any day to which the hearing of the suit is adjourned, the parties or any of them fail to appear, the Court may proceed to dispose of the suit in one of the modes directed in that behalf by Order IX or make such other order as it thinks fit. [S. 157]

The Code of Civil Procedure Bill.

(The First Schedule.)—(Orders XVII, XVIII.)

[S. 158.] 3. *Where* any party to a suit to whom time has been granted fails to produce his evidence, or to cause the attendance of his witnesses, or to perform any other act necessary to the further progress of the suit, for which time has been allowed, the Court may, notwithstanding such default, proceed to decide the suit forthwith.

Court may proceed notwithstanding either party fails to produce evidence, etc.

ORDER XVIII.

Hearing of the Suit and Examination of Witnesses.

[S. 179, expln.] 1. The plaintiff has the right to begin unless the defendant admits the facts alleged by the plaintiff and contends that either in point of law or on some additional facts alleged by the defendant the plaintiff is not entitled to any part of the relief which he seeks, in which case the defendant has the right to begin.

Right to begin.

[S. 179.] 2. (*1*) On the day fixed for the hearing of the suit or on any other day to which the hearing is adjourned, the party having the right to begin shall state his case and produce his evidence in support of the issues which he is bound to prove.

Statement and production of evidence.

[S. 189.] (*2*) The other party shall then state his case and produce his evidence (if any) and may then address the Court generally on the whole case.

(*3*) The party beginning may then reply generally on the whole case.

[S. 180.] 3. Where there are several issues, the burden of proving some of which lies on the other party, the party beginning may, at his option, either produce his evidence on those issues or reserve it by way of answer to the evidence produced by the other party; *and*, in the latter case, the party beginning may produce evidence on those issues after the other party has produced all his evidence, and the other party may then reply specially on the evidence so produced by the party beginning; but the party beginning will then be entitled to reply generally on the whole case.

Evidence where several issues.

[S. 181.] 4. The evidence of the witnesses in attendance shall be taken orally in open Court in the presence and under the personal direction and superintendence of the Judge.

Witnesses to be examined in open Court.

[S. 182.] 5. In cases in which an appeal is allowed the evidence of each witness shall be taken down in writing, in the language of the Court, by or in the presence and under the personal direction and superintendence of the Judge, not ordinarily in the form of question and answer, but in that of a narrative, and, when completed, shall be read over in the presence of the Judge and of the witness, and the Judge shall, if necessary, correct the same, and shall sign it.

How evidence shall be taken in appealable cases.

[S. 183.] 6. (*1*) *Where* the evidence is taken down in a language different from that in which it *is* given, and the witness does not understand the language in which it is taken down, the evidence as taken down in writing shall be interpreted to him in the language in which it *is* given.

When deposition to be interpreted.

[S. 185.] 7. Evidence taken down under section 156 shall be in the form *prescribed by rule* 5 and *shall* be read over and signed and, as occasion may require, interpreted and corrected as if it were evidence taken down under that *rule*.

Evidence under section 136.

[S. 184.] 8. *Where* the evidence is not taken down in writing by the Judge, he shall be bound, as the examination of each witness proceeds, to make a memorandum of the substance of what each witness deposes, and such memorandum shall be written and signed by the Judge with his own hand and shall form part of the record.

Memorandum when evidence not taken down by Judge.

9. Where English is not the language of the Court, but all the parties to the suit who appear in person, and the pleaders of such as appear by pleaders, do not object to have such evidence as is given in English taken down in English, the Judge may so take it down. [S. 185.]

When evidence may be taken in English.

10. The Court may, of its own motion or on the application of any party or his pleader, take down any particular question and answer, or any objection to any question, if there appears *to be* any special reason for so doing. [S. 186.]

Any particular question and answer may be taken down.

11. *Where* any question put to a witness *is* objected to by a party or his pleader, and the Court allows the same to be put, the Judge shall take down the question, the answer, the objection and the name of the person making it, together with the decision of the Court thereon. [S. 187.]

Questions objected to and allowed by Court.

12. The Court may record such remarks as it thinks material respecting the demeanour of any witness while under examination. [S. 188.]

Remarks on demeanour of witnesses.

13. In cases in which an appeal is not allowed, it shall not be necessary to take down the evidence of the witnesses in writing at length; but the Judge, as the examination of each witness proceeds, shall make a memorandum of the substance of what he deposes, and such memorandum shall be written and signed by the Judge and shall form part of the record. [S. 189.]

Memorandum of evidence in unappealable cases.

14. (*1*) *Where* the Judge *is* unable to make a memorandum as required by *this Order*, he shall cause the reason of such inability to be recorded, and shall cause the memorandum to be made in writing from his dictation in open Court. [S. 190.]

Judge unable to make such memorandum to record reasons of his inability.

(*2*) Every memorandum so made shall form part of the record.

15. (*1*) Where *a* Judge is prevented by death, transfer or other cause from concluding the trial of *a* suit, *his* successor may deal with *any* evidence or memoradum *taken down or made under the foregoing rules* as if *such evidence or memorandum* had *been* taken down or made by *him or under his direction under the said rules and may* proceed with the suit from the stage at which his predecessor left it. [S. 191.]

Power to deal with evidence taken before another Judge.

(*2*) The provisions of sub-rule (*1*) shall, so far as they *are* applicable, *be deemed to* apply to *evidence taken in* a suit transferred under section 24.

16. (*1*) *Where* a witness *is* about to leave the jurisdiction of the Court, or other sufficient cause *is* shown to the satisfaction of the Court why his evidence should be taken immediately, the Court may, upon the application of *any* party or of the witness, at any time after the institution of the suit, take the evidence of such witness in manner hereinbefore provided. [S. 192.]

Power to examine witnesses immediately.

(*2*) Where such evidence is not taken forthwith and in the presence of the parties, such notice as the Court thinks sufficient, of the day fixed for the examination, shall be given to the parties.

(*3*) The evidence so taken shall be read over to the witness, and, if he admits it to be correct, shall be signed by him, *and the Judge shall, if necessary, correct the same,*

G

The Code of Civil Procedure Bill.
(The First Schedule.)—(Orders XVIII-XX.)

and shall sign it, and *it* may then be read at any hearing of the suit.

[S. 193.] *Court may recall and examine witness.*
17. The Court may at any stage of the suit recall any witness who has been examined and may (subject to the *law* of evidence *for the time being in force*), put such questions to him as the Court thinks fit.

[New.] *Power of Court to inspect.*
18. *The Court may at any stage of a suit inspect any property or thing concerning which any question may arise.*

ORDER XIX.

Affidavits.

[S. 194.] *Power to order any point to be proved by affidavit.*
1. Any Court may at any time for sufficient reason order that any particular fact or facts may be proved by affidavit, or that the affidavit of any witness may be read at the hearing, on such conditions as the Court thinks reasonable:

Provided that where it appears to the Court that either party *bonâ fide* desires the production of a witness for cross-examination, and that such witness can be produced, an order shall not be made authorizing the evidence of such witness to be given by affidavit.

[S. 195.] *Power to order attendance of deponent for cross-examination.*
2. (*1*) Upon any application evidence may be given by affidavit, but the Court may, at the instance of either party, order the attendance for cross-examination of the *deponent*.

[O. 38, r. 1.] (*2*) Such attendance shall be in Court, unless the *deponent* is exempted from personal appearance in Court, or the Court otherwise directs.

[S. 196.] *Matters to which affidavits shall be confined.*
3. (*1*) Affidavits shall be confined to such facts as the *deponent* is able of his own knowledge to prove, except on interlocutory applications, on which statements of his belief may be admitted: *provided that* the grounds thereof *are stated*.

(*2*) The costs of every affidavit which shall unnecessarily set forth matters of hearsay or argumentative matter, or copies of or extracts from documents, shall (unless the Court otherwise directs) be paid by the party *filing* the same.

ORDER XX.

Judgment and Decree.

[S. 198.] *Judgment when pronounced.*
1. The Court, after the *case has* been heard, shall pronounce judgment in open Court, either at once or on some future day, of which due notice shall be given to the parties or their pleaders.

[S. 199.] *Power to pronounce judgment written by Judge's predecessor.*
2. A Judge may pronounce a judgment written but not pronounced by his predecessor.

[S. 202.] *Judgments to be dated and signed.*
3. The judgment shall be dated and signed by the Judge in open Court at the time of pronouncing it and, *when once signed*, shall not afterwards be altered or added to, save *as provided by section 149* or on review.

[S. 203.] *Judgments of Small Cause Courts.*
4. (*1*) Judgments of *a* Court of Small Causes need not contain more than the points for determination and the decision thereupon.

Judgments of other Courts.
(*2*) Judgments of other Courts shall contain a concise statement of the case, the points for determination, the decision thereon, and the reasons for such decision.

Court to state its decision on each issue.
5. In suits in which issues have been framed, the Court shall state its finding or decision, with the reasons therefor, upon each separate issue, unless the finding upon any one or more of the issues *is* sufficient for the decision of the suit. [S. 204.]

Contents of decree.
6. (*1*) The decree must agree with the judgment: it shall contain the number of the suit, the names and descriptions of the parties, and particulars of the claim, and shall specify clearly the relief granted or other determination of the suit. [S. 206.]

(*2*) The decree shall also state the amount of costs incurred in the suit, and by *whom and out of what property* and in what proportions such costs are to be paid.

(*3*) *The Court may direct that the costs payable to one party by the other shall be set off against the sum which is admitted or found to be due from the former to the latter.*

Date of decree.
7. The decree shall bear date the day on which the judgment was pronounced, and, when the Judge has satisfied himself that the decree has been drawn up in accordance with the judgment, he shall sign the decree. [S. 205.]

Procedure where Judge has vacated office before signing decree.
8. *Where a Judge has vacated office after pronouncing judment but without signing the decree, a decree drawn up in accordance with such judgment may be signed by his successor or, if the Court has ceased to exist, by any Judge to whom such Court was subordinate.* [New.]

Decree for recovery of immoveable property.
9. *Where* the subject-matter of the suit is immoveable property, *the decree shall contain a description of such property sufficient to identify the same, and where* such property *can be* identified by boundaries or by numbers in a record of settlement or survey, the decree shall specify such boundaries or numbers. [S. 207.]

Decree for delivery of moveable property.
10. *Where* the suit is for moveable property, *and* the decree *is* for the delivery of such property, *the decree* shall also state the amount of money to be paid as an alternative if delivery cannot be had. [S. 208.]

Decree may direct payment by instalments.
11. (*1*) *Where and in so far as a* decree (*not being a decree for the enforcement of a mortgage or charge*) *is* for the payment of money, the Court may for any sufficient reason *at the time of passing the decree* order that *payment of the* amount shall be *postponed or shall be made* by instalments, with or without interest, *notwithstanding anything contained in the contract under which the money is payable.* [S. 210.]

Order, after decree, for payment by instalments.
(*2*) After the passing of any such decree the Court may, on the application of the judgment-debtor and with the consent of the decree-holder, order that *payment of* the amount decreed *shall* be *postponed or shall be made* by instalments on such terms as to the payment of interest, the attachment of the property of the *judgment-debtor*, or the taking of security from him, or otherwise, as it thinks fit.

Decree for possession and mesne profits.
12. (*1*) *Where a* suit is for the recovery of possession of immoveable property and for *rent or* mesne profits, the Court may *pass a* decree— [S. 211 and 212.]

(*a*) for the possession of the property;

(*b*) for the rent or mesne profits which have accrued on the property during a period prior to the institution of the suit *or* direct*ing* an enquiry *as to such* rent or mesne profits;

(*c*) directing an enquiry as to rent or mesne profits from the institution of the suit until—

(*i*) the delivery of possession to the *decree-holder*,

(*ii*) the *relinquishment* of possession *by the judgment-debtor with notice to the decree-holder through the Court*, or

(*iii*) the expiration of three years from the date of the decree,

whichever event first occurs.

The Code of Civil Procedure Bill.

(*The First Schedule.*)

(*Orders XX, XXI.*)

(2) *Where an inquiry is directed under clause* (*b*) *or clause* (*c*), *a final decree in respect of the rent and mesne profits shall be passed in accordance with the result of such inquiry.*

[S. 213.] *Decrees in* administration-suit.

13. (*1*) *Where a* suit is for an account of any property and for its due administration under the decree of the Court, the Court shall, before *passing* the final decree, *pass a preliminary decree ordering* such accounts and inquiries to be taken and made, and *giving* such other directions as it thinks fit.

(2) In the administration by the Court of the property of any *deceased* person, if such property proves to be insufficient for the payment in full of his debts and liabilities, the same rules shall be observed as to the respective rights of secured and unsecured creditors and as to debts and liabilities proveable, and as to the valuation of annuities and future and contingent liabilities respectively, as may be in force for the time being, *within the local limits of the Court in which the administration-suit is pending,* with respect to the estates of persons adjudged *or declared* insolvent; and all persons who in any such case would be entitled to be paid out of such property, may come in under the *preliminary* decree, and make such claims against the same as they may respectively be entitled to by virtue of this Code.

[S. 214.] *Decree in* pre-emption-suit.

14. (*1*) *Where the Court decrees a claim to* pre emption in respect of a particular sale of property and the purchase-money has not been paid into Court, the decree shall—

(*a*) specify a day on or before which *the purchase-money shall be so paid, and*

(*b*) *direct* that on payment *into Court* of *such* purchase-money, together with the costs (if any) decreed against *the plaintiff, on or before the day referred to in clause* (*a*), *the defendant shall deliver possession of the property to the plaintiff, whose title thereto shall be deemed to have accrued from the date of such payment,* but that, if *the purchase*-money and *the* costs (*if any*) are not so paid, the suit shall *be* dismissed with costs.

(2) *Where the Court has adjudicated upon rival claims to pre-emption, the decree shall direct—*

(*a*) *if and in so far as the claims decreed are equal in degree, that the claim of each pre-emptor complying with the provisions of sub-rule* (*1*) *shall take effect in respect of a proportionate share of the property including any proportionate share in respect of which the claim of any pre-emptor failing to comply with the said provisions would, but for such default, have taken effect; and,*

(*b*) *if and in so far as the claims decreed are different in degree, that the claim of the inferior pre-emptor shall not take effect unless and until the superior pre-emptor has failed to comply with the said provisions.*

[S. 215.] *Decrees in* suit for dissolution of partnership.

15. *Where a* suit is for the dissolution of a partnership, *or the taking of partnership accounts,* the Court, before *passing a final* decree, may pass *a preliminary decree declaring the proportionate shares of the parties,* fixing the day on which the partnership shall stand dissolved *or be deemed to have been dissolved,* and directing such accounts to be taken, and other acts to be done, as it thinks fit.

[S. 215A.] *Decrees in* suit for account between principal and agent.

16. *In* a suit for an account of pecuniary transactions between a principal and agent, and in *any* other suit not hereinbefore provided for, where it is necessary, in order to ascertain the amount of money due to or from any party, that an account should be taken, the Court shall, before *passing* its *final* decree, pass *a preliminary decree* directing such accounts to be taken as it thinks fit.

Decree in suit for partition of property or separate possession of a share therein. [New.]

17. *Where the Court passes a decree for the partition of property or for the separate possession of a share therein, then,—*

(*1*) *if and in so far as the decree relates to an estate assessed as such to the payment of undivided revenue to the Government and the partition or separate possession is to affect the joint responsibility for the payment of such revenue, the decree shall declare the rights of the several parties interested in the property, but shall direct such partition or separation to be made by the Collector, or by any gazetted subordinate of the Collector deputed by him in this behalf, in accordance with such declaration and with the provisions of section 54;*

(*2*) *if and in so far as—*

(*a*) *such decree relates to any such estate as is referred to in clause* (*1*), *but the partition or separate possession is not to affect the joint responsibility for the payment to the Government of any undivided revenue to which such estate is assessed as such, or*

(*b*) *such decree relates to any other immoveable property or to moveable property,*

the Court may, if the partition or separation cannot be conveniently made without further inquiry, pass a preliminary decree declaring the rights of the several parties interested in the property and giving such further directions as may be required.

Decree when set-off is allowed. [S. 216.]

18. (*1*) *Where* the defendant has been allowed a set-off against the claim of the plaintiff, the decree shall state what amount is due to the plaintiff and what amount is due to the defendant, and shall be for the recovery of any sum which appears to be due to either party.

Appeal from decree relating to set-off.

(2) *Any decree passed in a suit in which a set-off is claimed shall be subject to the same provisions in respect of appeal to which it would have been subject if no set-off had been claimed.*

(*3*) The provisions of this *rule* shall apply whether the set-off is admissible under *rule 6 of Order VIII* or otherwise.

Certified copies of judgment and decree to be furnished. [S. 217.]

19. Certified copies of the judgment and decree shall be furnished to the parties on application to the Court, and at their expense.

ORDER XXI.

Execution of Decrees and Orders.

Payment under Decree.

Modes of paying money under decree. [S. 257.]

1. All money payable under a decree shall be paid as follows (namely):—

(*a*) into the Court whose duty it is to execute the decree; or

(*b*) out of Court to the decree-holder; or

(*c*) otherwise as the Court which made the decree directs.

Payment *out of Court* to decree-holder. [S. 258.]

2. (*1*) *Where* any money payable under a decree *of any kind* is paid out of Court, or the decree is otherwise adjusted in whole or in part to the satisfaction of the decree-holder, the decree-holder shall certify such payment or adjustment to the Court whose duty it is to execute the decree, *and the Court shall record the same accordingly.*

(2) The judgment-debtor also may inform the Court of such payment or adjustment, and apply to the Court to issue a notice to the decree-holder to show cause, on a day to be fixed by the Court, why such payment or adjustment should not be recorded *as* certified; and if, after due service of such notice, the decree-holder fails to show cause why the payment or adjustment should not be recorded as certified, the Court shall record the same accordingly.

The Code of Civil Procedure Bill.

(*The First Schedule.*)

(*Order XXI.*)

(3) A payment or adjustment, *which* has *not* been certified *or recorded* as aforesaid, shall not be recognized by any Court *executing the decree.*

Courts executing Decrees.

[New.] 3. *Where immoveable property forms one estate situated within the local limits of the jurisdiction of two or more Courts, any one of such Courts may attach and sell the entire estate upon such conditions (if any) as may be prescribed.*

Estates situate in more than one jurisdiction.

[S. 223, 8th para.] 4. *Where* the decree has been passed in a suit of which the value as set forth in the plaint did not exceed two thousand rupees and which, as regards its subject-matter, is not excepted by the law for the time being in force from the cognizance of either a Presidency or a Provincial Court of Small Causes, and the Court which passed it wishes it to be executed in Calcutta, Madras, Bombay or Rangoon, such Court may send to the Court of Small Causes in Calcutta, Madras, Bombay or Rangoon, as the case may be, the copies and certificate respectively mentioned in clauses (*a*), (*b*) and (*c*) of *rule 6*; and such Court of Small Causes shall thereupon execute the decree as if it had been passed by itself.

Transfer to Court of Small Causes.

[S.223, sixth para.] 5. *Where* the Court to which a decree is to be sent for execution is situate within the same district as the Court which passed such decree, such Court shall send the same directly to the former Court. But, *where* the Court to which the decree is to be sent for execution is situate in a different district, the Court which passed it shall send it to the District Court of the district in which the decree is to be executed.

Mode of transfer.

[S. 224.] 6. The Court sending a decree for execution shall send—

Procedure where Court desires that its own decree shall be executed by another Court.

(*a*) a copy of the decree;

(*b*) a certificate setting forth that satisfaction of the decree has not been obtained by execution within the jurisdiction of the Court by which it was passed, or, where the decree has been executed in part, the extent to which satisfaction has been obtained and what part of the decree remains unexecuted; and

(*c*) a copy of any order for the execution of the decree, and, if no such order has been made, a certificate to that effect.

[S. 225.] 7. The Court to which a decree is so sent shall cause such copies and certificate to be filed, without any further proof of the decree or order for execution, or of the copies thereof, or of the jurisdiction of the Court which passed it unless the former Court, for any special reasons to be recorded under the hand of the Judge, requires such proof.

Court receiving copies of decree, etc., to file same without proof.

[S. 226.] 8. When such copies are so filed, the decree or order may, if the Court to which it is sent be the District Court, be executed by such Court or by any subordinate Court which it directs to execute the same.

Execution of decree or order by Court to which it is sent.

[S. 227.] 9. *Where* the Court to which the decree sent for execution is a High Court, the decree shall be executed by such Court in the same manner as if it had been made by such Court in the exercise of its ordinary original civil jurisdiction.

Execution by High Court of decree transferred by other Court.

Application for execution.

[S. 230, first para.] 10. *Where* the holder of a decree desires to *execute* it, he shall apply to the Court which passed the decree or to the officer (if any) appointed in this behalf, or if the decree has been sent under the provisions hereinbefore contained to another Court then to such Court or to the proper officer thereof.

Application for execution.

11. (*1*) Where a decree is for *the payment* of money only, the *decree-holder may, at the time of the* passing *of* the decree, *apply orally to the Court for immediate execution.* [S. 235.]

Form of application for execution.

(*2*) *Save as otherwise provided by sub-rule* (*1*), *every* application for the execution of a decree shall be in writing, *signed and* verified by the applicant or by some other person proved to the satisfaction of the Court to be acquainted with the facts of the case, and shall contain in a tabular form the following particulars, namely:— [S. 235.]

(*a*) the number of the suit;

(*b*) the names of the parties;

(*c*) the date of the decree;

(*d*) whether any appeal has been preferred from the decree;

(*e*) whether any, and (*if any*) what, *payment or other* adjustment of the matter in *controversy* has been made between the parties subsequently to the decree;

(*f*) whether any, and (*if any*) what, previous applications have been made for *the* execution of the decree, *the dates of such applications* and *their* results;

(*g*) the amount of the debt or compensation with the interest (if any) due upon the decree, or other relief granted thereby, *together with particulars of any cross-decree, whether passed before or after the date of the decree sought to be enforced;*

(*h*) the amount of *the* costs (if any) awarded;

(*i*) the name of the person against whom the *execution* of the decree is sought; and

(*j*) the mode in which the assistance of the Court is required, whether—

(*i*) by the delivery of *any* property specifically decreed, or

(*ii*) by the attachment *or sale, or by the sale with or without attachment,* of *any* property, *or*

(*iii*) by the arrest and *detention in prison* of *any* person, *or*

(*iv*) otherwise, as the nature of the relief sought may require.

(*3*) *The Court to which an application is made under sub-rule (2) may require the applicant to produce a certified copy of the decree.*

12. *Where* an application is made for the attachment of any moveable property belonging to a judgment-debtor but not in his possession, the decree-holder shall annex to the application an inventory of the property to be attached, containing a reasonably accurate description of the same. [S. 236.]

Application for attachment of moveable property *not in judgment-debtor's possession.*

13. *Where* an application is made for the attachment of any immoveable property belonging to a judgment-debtor, it shall contain at the foot— [S. 237.]

Application for attachment of immoveable property to contain certain particulars.

(*a*) a description of *such* property sufficient *to* identify *the same and, in case such property can be identified by boundaries or numbers in a record of settlement or survey, a specification of such boundaries or numbers; and*

(*b*) a specification of the judgment-debtor's share or interest *in such property* to the best of the belief of the applicant, and so far as he has been able to ascertain the same.

14. *Where an application is made for the attachment of any* land *which is* registered in the office *of the* Collector, *the Court may require the applicant to produce* a *certified* extract from the register of such office, specifying the persons registered as proprietors of, or as possessing any transferable interest in, the land or its revenue, or as liable to pay revenue for *the* land, and the shares of the registered proprietors. [S. 238.]

Power to require certified extract from Collector's register in certain cases.

The Code of Civil Procedure Bill.

(*The First Schedule.*)—(*Order XXI.*)

[S. 231.]

15. (*1*) *Where* a decree has been passed jointly in favour of more persons than one, any one or more of such persons may, *unless the decree imposes any condition to the contrary*, apply for the execution of the whole decree for the benefit of them all, or, where any of them has died, for the benefit of the survivors and the *legal* representatives of the deceased.

Application for execution by joint decree-holder.

(*2*) *Where* the Court sees sufficient cause for allowing the decree to be executed on an application made *under this section*, it shall *make* such order as it deems necessary for protecting the interests of the persons who have not joined in the application.

[S. 232.]

16. *Where* a decree *or, if a decree has been passed jointly in favour of two or more persons, the interest of any decree-holder in the decree is* transferred by assignment in writing or by operation of law, the transferee may apply for execution *of the decree* to the Court which passed it; and the decree may be executed in the same manner and subject to the same conditions as if the application were made by such decree-holder:

Application for execution by transferee of decree.

Provided *that*, where the decree, *or such interest as aforesaid*, has been transferred by assignment, notice in writing of such application shall be given to the transferor and the judgment-debtor, and the decree shall not be executed until the Court has heard their objections (if any) to *its* execution:

Provided also that, where a decree for the *payment of* money against *two or more* persons has been transferred to one of them, it shall not be executed against the others.

[S. 245.]

17. (*1*) On receiving an application for the execution of a decree *as provided by rule 11, sub-rule* (*2*), the Court shall ascertain whether such of the requirements of rules *11 to 14* as may be applicable to the case have been complied with; and, if they have not been complied with, the Court may reject the application, or may allow *the defect to be remedied* then and there or within a time to be fixed by *it*.

Procedure on receiving application for execution of decree.

(*2*) Where an application is amended under *the provisions of* sub-rule (*1*), it shall be deemed to *have been an application* in accordance with law *and* presented *on the date when it was first presented*.

(*3*) Every amendment made under this *rule* shall be *signed or initialled* by the Judge.

(*4*) When the application is admitted, the Court shall enter in the *proper* register a note of the application and the date on which it was made, and shall, *subject to the provisions hereinafter contained, order* execution of the decree according to the nature of the application:

Provided that, in the case of a decree for *the payment of* money, the value of the property attached shall, as nearly as may be, correspond with the amount for which the decree has been *passed*.

[S. 246.]

18. (*1*) *Where applications are made to a Court for the execution of* cross-decrees *in separate suits* for the payment of *two sums of* money *passed* between the same parties *and capable of execution at the same time by such Court, then*—

Execution in case of cross-decrees.

(*a*) if the two sums *are* equal, satisfaction shall be entered upon both decrees; *and*

(*b*) if *the two sums are unequal*, execution *may* be taken out only by the *holder of the* decree for the larger sum and for so much only as remains after deducting the smaller sum, and satisfaction for the smaller sum shall be entered on the decree for the larger sum as well as satisfaction on the decree for the smaller sum.

(*2*) This rule *shall be deemed to* apply where either party is an assignee of one of the decrees and as well in respect of judgment-debts due by the original assignor as in respect of judgment-debts due by the assignee himself.

(*3*) This *rule shall* not *be deemed to* apply unless—

(*a*) the decree-holder in one of the suits in which the decrees have been made is the judgment-debtor in the other and each party fills the same character in both suits; and

(*b*) the sums due under the decrees are definite.

(*4*) *The holder of a decree passed against several persons jointly and severally may treat it as a cross-decree in relation to a decree passed against him singly in favour of one or more of such persons.*

Illustrations.

(*a*) A holds a decree against B for Rs. 1,000. B holds a decree against A for the payment of Rs. 1,000 in case A fails to deliver certain goods at a future day. B cannot treat his decree as a cross-decree under this *rule*.

(*b*) A and B, co-plaintiffs, obtain a decree for Rs. 1,000 against C, and C obtains a decree for Rs. 1,000 against B. *C cannot treat his decree as a cross-decree under* this *rule*.

(*c*) A obtains a decree against B for Rs. 1,000. C, who is a trustee for B, obtains a decree on behalf of B against A for Rs. 1,000. B cannot treat C's decree as a cross-decree under this *rule*.

(*d*) *A, B, C, D and E are jointly and severally liable for Rs. 1,000 under a decree obtained by F. A obtains a decree for Rs. 100 against F singly and applies for execution to the Court in which the joint decree is being executed. F may treat his joint decree as a cross-decree under this rule.*

19. Where *application is made to a Court for the execution of a decree under which* two parties are entitled to recover *sums of money* from each *other, then*,— [S. 247.]

Execution in case of cross-claims under same decree.

(*a*) *if* the *two sums are* equal, satisfaction for *both* shall be entered upon the decree; and

(*b*) *if the two sums are unequal*, execution *may be taken out only by* the party entitled to the *larger sum and for so much only as remains after deducting the smaller sum, and* satisfaction for the smaller sum shall be entered *upon* the decree.

20. The Court may, in its discretion, refuse execution at the same time against the person and property of the judgment-debtor. [230, second para.]

Simultaneous execution.

21. (*1*) *Where an application for execution is made*— [New.]

Notice to show cause *against execution in certain cases*.

(*a*) *more than one year after the date of the decree, or*

(*b*) *against the legal representative of a party to the decree,*

the Court executing the decree shall issue a notice to the person against whom execution is applied for requiring him to show cause, on a date to be fixed, why the decree should not be executed against him:

Provided that no such notice shall be necessary in consequence of more than one year having elapsed between the date of the decree and the application for execution if the application *is* made within one year from the date of the last order against the party against whom execution is applied for, passed on any previous application for execution, or in consequence of the application being *made* against the legal representative of the judgment-debtor, if upon a previous application for execution against the same person the Court has ordered execution to issue against him. [S. 248.]

(*2*) *Nothing in the foregoing sub-rule shall be deemed to preclude the Court from issuing any process in execution of a decree without issuing the notice thereby prescribed, if, for reasons to be recorded, it considers that the issue of such notice would cause unreasonable delay or would defeat the ends of justice.*

22. (*1*) *Where* the person to whom notice is issued under the last preceding *rule* does not appear or does not show cause to the satisfaction of the Court why the decree should not be executed, the Court shall order the decree to be executed. [S. 249.]

Procedure after issue of notice.

(*2*) *Where such person* offers any objection to the *execution* of the decree, the Court shall consider such objection and make such order as it thinks fit.

Process for execution.

23. (*1*) When the preliminary measures (if any) required by the foregoing *rules* have been taken, the Court *shall*, unless it sees cause to the contrary, issue its *process* for the execution of the decree. [S. 250.]

Process for execution.

(*2*) *Every such process shall bear date the day on which it is issued, and shall be* signed by the Judge or such officer as the Court *may* appoint in this behalf, *and shall be* sealed with the seal of the Court and delivered to the proper officer to be executed. [S. 251, first para.]

The Code of Civil Procedure Bill.

(The First Schedule.)—(Order XXI.)

(3) *In every such process* a day shall be specified on or before which it *shall be executed.*

Return of process for execution of decree.

[S. 363; includes latter part of 251.] 24. (1) The officer entrusted with the execution of the *process* shall endorse thereupon the day on, and the manner in, which it was executed, and, if the latest day specified in the *process* for the return thereof has been exceeded, the reason of the delay, or, if it was not executed, the reason why it was not executed, and shall return the *process* with such endorsement to the Court.

Endorsement on *process.*

[S. 343.] (2) *Where* the endorsement is to the effect that such officer is unable to execute the *process*, the Court shall examine him touching his alleged inability, and may, if it thinks fit, summon and examine witnesses as to such inability and shall record the result.

Stay of execution.

[S. 239.] 25. (1) The Court to which a decree has been sent for execution shall, upon sufficient cause being shown, stay the execution of such decree for a reasonable time, to enable the judgment-debtor to apply to the Court by which the decree was made, or to any Court having appellate jurisdiction in respect of the decree or the execution thereof, for an order to stay the execution, or for any other order relating to the decree or execution which might have been made by such Court of first instance or appellate Court if execution had been issued thereby, or if application for execution had been made thereto.

When Court may stay execution.

(2) *Where* the property or person of the judgment-debtor has been seized under an execution, the Court which issued the execution may order the restitution or discharge of such property or person pending the result of the application for such order.

[S. 240.] 26. Before passing an order under *rule 25* to stay execution or for the restitution of property on the discharge of the judgment-debtor, the Court may require such security from, or impose conditions upon, the judgment-debtor as it thinks fit.

Power to require security from, or impose conditions upon, judgment-debtor.

[S. 241.] 27. No discharge under rule 25 of the property or person of a judgment-debtor shall prevent it or him from being retaken in execution of the decree sent for execution.

Liability of judgment-debtor discharged to be retaken.

[S. 242.] 28. Any order of the Court by which the decree was passed, or of such Court of appeal as aforesaid, in relation to the execution of such decree, shall be binding upon the Court to which decree was sent for execution.

Order of Court which passed decree or of appellate Court to be binding upon Court applied to.

[S. 243.] 29. *Where* a suit *is* pending in any Court against the holder of a decree of such Court, on the part of the person against whom the decree was passed, the Court may, *on such terms as to security or otherwise,* as it thinks fit, stay execution *of* the decree until the pending suit has been decided.

Stay of execution pending suit between decree-holder and judgment-debtor.

Mode of execution.

[S. 254.] 30. Every decree *for the payment of* money, *including a decree for the payment of money* as the alternative to some other relief, may be *executed* by the *detention in the civil prison* of the judgment-debtor or by the attachment and sale of his property, or by both.

Decree for payment of money.

[S. 259.] 31. (1) *Where* the decree *is* for any specific moveable, or for any share in a specific moveable, it may be *executed* by the seizure, if practicable, of the moveable or share, and by the delivery thereof to the party to whom it has been adjudged, or to such person as he appoints to receive delivery on his behalf, or by the *detention in the civil prison* of the judgment-debtor, or by the attach*ment of* his property, or by both.

Decree for specific moveable *property.*

(2) *Where* any attachment under *sub-rule* (1) has remained in force for six months, if the judgment-debtor has not obeyed the decree and the decree-holder has applied to have the attached property sold, such property may be sold, and out of the proceeds the Court may award to the decree-holder, in cases where any amount has been fixed *by the decree to be paid as an alternative to delivery of moveable property,* such amount, and, in other cases, such compensation as it thinks fit, and shall pay the balance (if any) to the judgment-debtor on his application.

(3) *Where* the judgment-debtor has obeyed the decree and paid all costs of executing the same which he is bound to pay, or *where,* at the end of six months from the date of the attachment, no application to have the property sold has been made, or, if made, has been refused, the attachment shall cease.

32. (1) *Where* the party against whom a decree for the specific performance of a contract, or for restitution of conjugal rights, or for *an injunction,* has been *passed,* has had an opportunity of obeying the decree and has wilfully failed to obey it, the decree may be enforced by his *detention in the civil prison,* or by the attachment of his property, or by both, *or, if the party against whom a decree for specific performance or for an injunction has been passed is a corporation, then with the leave of the Court, by the detention in the civil prison of the directors or other principal officers thereof.* [S. [illegible]]

Decree for specific performance or restitution of conjugal rights.

(2) Where any attachment under this *rule* has remained in force for one year, if the judgment-debtor has not obeyed the decree and the decree-holder has applied to have the attached property sold, the property may be sold; and out of the proceeds the Court may award to the decree-holder such compensation as it thinks fit, and *shall* pay the balance (if any) to the judgment-debtor on his application.

(3) *Where* the judgment-debtor has obeyed the decree and paid all costs of executing the same which he is bound to pay, or *where,* at the end of one year from the date of the attachment, no application to have the property sold has been made, *or if made has been refused,* the attachment shall cease.

(4) *Where a decree for the specific performance of a contract or for an injunction has not been obeyed, the Court may, in lieu of or in addition to all or any of the processes aforesaid, direct that the act required to be done may be done so far as practicable by the decree-holder or some other person appointed by the Court, at the cost of the judgment-debtor, and upon the act being done the expenses incurred may be ascertained in such manner as the Court may direct and may be recovered as if they were included in a decree.* [O. [illegible]]

Illustration.

A, a person of little substance, erects a building which renders unhabitable a family mansion belonging to *B*. *A*, in spite of his detention in prison and the attachment of his property, declines to obey a decree obtained against him by *B* and directing him to remove the building. The Court is of opinion that no sum realizable by the sale of *A*'s property would adequately compensate *B* for the depreciation in the value of his mansion. *B* may apply to the Court to remove the building and may recover the cost of such removal from *A* in the execution-proceedings.

33. (1) *Notwithstanding anything in rule 32, the Court, either at the time of passing a decree for the restitution of conjugal rights or at any time afterwards, may order that the decree shall not be executed by detention in prison, or by attachment of property.* [cf. [illegible] Vict., c. [illegible], s. [illegible]]

Discretion of Court in executing decrees for restitution of conjugal rights.

(2) *Where the Court has made an order under sub-rule (1), and the decree-holder is the wife, it may order that, in the event of the decree not being obeyed within such period as may be fixed in this behalf, the judgment-debtor shall make to the decree-holder such periodical payments as may be just, and, if it thinks fit, require that the judgment-debtor shall, to its satisfaction, secure to the decree-holder such periodical payments.*

(3) *The Court may from time to time vary or modify any order made under sub-rule (2) for the periodical payment of money, either by altering the times of payment or by increasing or diminishing the amount, or may temporarily suspend the same as to the whole or any part of the money so ordered to be paid, and again revive the same, either wholly or in part as it may think just.*

(4) *Any money ordered to be paid under this rule may be recovered as though it were payable under a decree for the payment of money.*

The Code of Civil Proceaure Bill.

(*The First Schedule.*)

(*Order XXI.*)

[illegible] **34.** (*1*) *Where a* decree *is* for the execution of *a document* or for the endorsement of a negotiable instrument and the judgment-debtor neglects or refuses to *obey* the decree, the decree-holder may prepare *a* draft of *the document* or endorsement in accordance with the terms of the decree and deliver the sa[illegible] to the Court.

Decree for execution of documents, or endorsement of negotiable instruments.

(*2*) The Court shall thereupon cause the draft to be served on the judgment-debtor in the manner hereinbefore provided for *the service of* summons, together with a notice in writing *requiring* his objections (if any) *to* be made within such time as the Court fixes in this behalf.

(*3*) *Where the judgment-debtor* objects to the draft, his objections shall be stated in writing within *such* time, and the Court shall *make* such order *approving or altering the draft*, as it thinks fit.

(*4*) *The decree-holder may deliver to the Court a document being a fair copy of the draft with such alterations (if any) as the Court may have directed upon the proper stamp-paper if a stamp is required by the law for the time being in force; and the Judge or such officer as may be appointed in this behalf shall execute the document so delivered.*

[illegible] (*5*) The execution of *a document* or the endorsement of a negotiable instrument under *this* rule may be in the following form, *namely*:—

"C. D., Judge of the Court of (*or as the case may be*), for A. B., in a suit by E. F. against A. B.",

and shall have the same effect as the execution of the *document* or the endorsement of the *negotiable* instrument by the party ordered to execute or endorse the same.

(*6*) *The Court, or such officer as it may appoint in this behalf, shall cause the document to be registered if its registration is required by the law for the time being in force or the decree-holder desires to have it registered, and may make such order as it thinks fit as to the payment of the expenses of the registration.*

[illegible] **35.** (*1*) *Where a* decree *is* for the delivery of any immoveable property, possession thereof shall be delivered to the party to whom it has been adjudged, or to such person as he *may* appoint to receive delivery on his behalf, and, if *necessary*, by removing any person bound by the decree who refuses to vacate the property.

Decree for immoveable property.

(*2*) *Where a decree is for the joint possession of immoveable property, such possession shall be delivered by affixing a copy of the warrant on some conspicuous place on the property and proclaiming by beat of drum, or other customary mode, the substance of the decree.*

(*3*) *Where possession of any building or enclosure is to be delivered and the person in possession, being bound by the decree, does not afford free access, the Court, through its officers, may, after giving reasonable warning and facility to any woman not appearing in public according to the customs of the country to withdraw, remove or open any lock or bolt or break open any door or do any other act necessary for putting the decree-holder in possession.*

[illegible] **36.** *Where a* decree *is* for the delivery of any immoveable property in the occupancy of a tenant or other person entitled to occupy the same and not bound by the decree to relinquish such occupancy, the Court shall order delivery to be made by affixing a copy of the warrant on some conspicuous place on the property, and proclaiming to the occupant by beat of drum or other customary mode, at some convenient place, the substance of the decree in regard to the property:

Decree for delivery of immoveable property when in occupancy of tenant.

Provided that, if the occupant *is* found, a notice in writing containing such substance shall be served upon him, and in such case no proclamation need be made.

Arrest and detention in the civil prison.

37. (*1*) Notwithstanding anything in *these rules*, where an application is for the execution of a decree for *the payment of* money by the arrest and *detention in the civil prison* of a judgment-debtor who is liable to be arrested in pursuance of the application, the Court may, instead of issuing a warrant for his arrest, issue a notice calling upon him to appear before the Court on a day to be specified in the notice and show cause why he should not be committed to *the civil prison*. [S. 245B.]

Discretionary power to permit judgment-debtor to show cause against *detention in prison*.

(*2*) *Where* appearance is not made in obedience to the notice, the Court shall, if the decree-holder so requires, issue a warrant for the arrest of the judgment-debtor.

38. Every warrant for the arrest of *a* judgment-debtor shall direct the officer entrusted with its execution to bring him before the Court with all convenient speed, unless the amount which he has been ordered to pay, together with the interest thereon and the costs (if any) to which he is liable, be sooner paid. [S. 337.]

Warrant for arrest to direct judgment-debtor to be brought up.

39. (*1*) At any time after a warrant *for the* arrest *of a judgment-debtor* has been issued the Court may cancel it on the ground of his serious illness. [S. 653.]

Release of judgment-debtor from arrest on ground of illness.

(*2*) Where a judgment-debtor has been arrested, the Court may release him if, in its opinion, he is not in a fit state of health to *be detained in the civil prison*.

40. (*1*) *Where* a judgment-debtor *who has not been released under the provisions of section 55, sub-section (4)*, appears before the Court in obedience to a notice issued under *rule 37*, or is brought before the Court after being arrested in execution of a decree for *the payment of* money, and it appears to the Court that the judgment-debtor is unable from poverty or other sufficient cause to pay the amount of the decree or, if that amount is payable by instalments, the amount of any instalment thereof, the Court may, upon such terms (if any) as it thinks fit, make an order disallowing the application for his arrest and *detention*, or directing his release, as the case may be. [S. 337A.]

Proceedings on appearance of judgment-debtor in obedience to notice or after arrest.

(*2*) Before making an order under sub-*rule* (1), the Court may take into consideration any allegation of the decree-holder touching any of the following matters, namely:—

(*a*) the decree being for a sum for which the judgment-debtor was bound in any fiduciary capacity to account;

(*b*) the transfer, concealment or removal by the judgment-debtor of any part of his property after the date of the institution of the suit in which the decree was *passed*, or the commission by him after that date of any other act of bad faith in relation to his property, with the object or effect of obstructing or delaying the decree-holder in the execution of the decree;

(*c*) any undue preference given by the judgment-debtor to any of his other creditors;

(*d*) refusal or neglect *on the part of the judgment-debtor* to pay the amount of the decree or some part thereof when he has, or since the date of the decree has had, the means of paying it;

(*e*) the likelihood of *the judgment-debtor* absconding or leaving the jurisdiction of the Court with the object or effect *of obstructing or delaying the decree-holder in the execution of the decree.*

(*3*) While any of the matters mentioned in sub-*rule* (*2*) are being considered, the Court may, in its discretion, order the judgment-debtor to be *detained in the civil*

The Code of Civil Procedure Bill.

(The First Schedule.)

(Order XXI.)

prison, or leave him in the custody of an officer of the Court, or release him on his furnishing security, *to the satisfaction of the Court*, for his appearance *when required by* the Court.

(*4*) A judgment-debtor released under this *rule* may be re-arrested.

(*5*) *Where* the Court does not make an order *under* sub-*rule* (*1*), it shall cause the judgment-debtor to be arrested if he has not already been arrested and, subject to the other provisions of this Code, commit him to *the civil prison*.

[S. 267.] **41.** *Where a decree is for the payment of money the decree-holder may apply to the Court for an order—*

Examination of judgment-debtor as to his property.

(*a*) *that the judgment-debtor, or*

(*b*) *in the case of a corporation, any officer thereof, or*

(*c*) *any other person,*

be orally examined as to whether any or what debts are owing to the judgment-debtor and whether the judgment-debtor has any and what other property or means of satisfying the decree; and the Court may make an order for the attendance and examination of such judgment-debtor, or officer or any other person, and for the production of any books or documents.

[S. 255.] **42.** *Where* a decree *directs an inquiry as to rent or* mesne profits or any other matter, the property of the judgment-debtor may, before the amount due from him has been ascertained, be attached, as in the case of an ordinary decree for *the payment of* money.

Attachment in case of decree for rent or mesne profits or other matter, amount of which to be subsequently *determined.*

[S. 269.] **43.** *Where* the property *to be attached is* moveable property, *other than agricultural produce*, in the possession of the judgment-debtor, the attachment shall be made by actual seizure, and the attaching officer shall keep the property in his own custody or in the custody of one of his subordinates, and shall be responsible for the due custody thereof:

Attachment of moveable property, *other than agricultural produce*, in possession of judgment-debtor.

Provided that, when the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody *is likely to* exceed its value, the *attaching* officer may sell it at once.

[*New.*] **44.** (*1*) *Where the property to be attached is agricultural produce, the attachment shall be made by affixing a copy of the warrant of attachment,—*

Attachment of agricultural produce.

(*a*) *where such produce is a growing crop, on the land on which such crop has grown, or*

(*b*) *where such produce has been cut or gathered, on the threshing-floor or place for treading out grain or the like or fodder-stack on or in which it is deposited,*

and another copy on the outer door or on some other conspicuous part of the house in which the judgment-debtor ordinarily resides or, with the leave of the Court, on the outer door or on some other conspicuous part of the house in which he carries on business or personally works for gain or in which he is known to have last resided or to have personally worked for gain; and the produce shall thereupon be deemed to have passed into the possession of the Court.

(*2*) *Where agricultural produce is attached under sub-rule* (*1*), *the Court shall make such arrangements for the custody thereof as it may deem sufficient and, for the purpose of enabling the Court to make such arrangements, every application for the attachment of a growing crop shall specify the time at which it is likely to be fit to be cut or gathered.*

(*3*) *Subject to such conditions as may be imposed by the Court in this behalf either in the order of attachment or in any subsequent order, the judgment-debtor may tend, cut, gather and store the produce and do any other act necessary for maturing or preserving it; and if the judgment-debtor fails to do all or any of such acts, the decree-holder may, with the permission of the Court and subject to the like conditions, do all or any of them either by himself or by any person appointed by him in this behalf, and the costs incurred by the decree-holder shall be recoverable from the judgment-debtor as if they were included in, or formed part of, the decree.*

(*4*) *Agricultural produce attached as a growing crop shall not be deemed to have ceased to be under attachment or to require re-attachment merely because it has been severed from the soil.*

(*5*) *Where an order for the attachment of a growing crop has been made at a considerable time before the crop is likely to be fit to be cut or gathered, the Court may suspend the execution of the order for such time as it thinks fit, and may, in its discretion, make a further order prohibiting the removal of the crop pending the execution of the order of attachment.*

(*6*) *A growing crop which from its nature does not admit of being stored shall not be attached under this rule at any time less than twenty days before the time at which it is likely to be fit to be cut or gathered.*

45. *Where agricultural produce has been attached then,—* [New

Arrangements and directions as to agricultural produce under attachment.

(*a*) *if the presiding officer has been authorised in this behalf by the Local Government by notification in the local official Gazette, the Court shall make all arrangements and give all directions necessary for carrying out the purposes of the attachment, and,*

(*b*) *if the presiding officer has not been so authorized, the Court shall issue a precept to the Collector, and thereupon the Collector, or any subordinate of the Collector deputed by him in this behalf, shall make all such arrangements and give all such directions as aforesaid.*

Attachment of debt, share and other property not in possession of judgment-debtor.

46. (*1*) In the case of— [S.

(*a*) a debt not secured by a negotiable instrument,

(*b*) a share in the capital of *a* corporation,

(*c*) other moveable property not in the possession of the judgment-debtor, except property deposited in, or in the custody of, any Court,

the attachment shall be made by a written order prohibiting,—

(*i*) in the case of the debt, the creditor from recovering the debt and the debtor from making payment thereof until the further order of the Court;

(*ii*) in the case of the share, the person in whose name the share may be standing from transferring the same or receiving any dividend thereon;

(*iii*) in the case of the other moveable property except as aforesaid, the person in possession of the same from giving it over to the judgment-debtor.

(*2*) A copy of such order shall be *affixed* in some conspicuous part of the court-house, and another copy shall be sent, in the case of the debt, to the debtor, in the case of the share, to the proper officer of the corporation, and, in the case of the other moveable property (except as aforesaid), to the person in possession of the same.

(*3*) A debtor prohibited under clause (*i*) of sub-*rule* (*1*) may pay the amount of his debt into Court, and such payment shall discharge him as effectually as payment to the party entitled to receive the same.

The Code of Civil Procedure Bill.

(The First Schedule.)—(Order XXI.)

[New.] 47. *Where the property to be attached consists of the share or interest of the judgment-debtor in moveable property belonging to him and another as co-owners, the attachment shall be made by a notice to the judgment-debtor prohibiting him from transferring the share or interest or charging it in any way.*

Attachment of share in moveables.

[New.] 48. (*1*) *Where the property to be attached is the salary or allowances of a public officer or of a servant of a railway company or local authority, the Court, whether the judgment-debtor or the disbursing officer is or is not within the local limits of the Court's jurisdiction, may order that the amount shall, subject to the provisions of section 60, be withheld from such salary or allowances either in one payment or by monthly instalments as the Court may direct; and, upon notice of the order to such officer as the Government may by notification in the Gazette of India or in the local official Gazette, as the case may be, appoint in this behalf, the officer or other person whose duty it is to disburse such salary or allowances shall withhold and remit to the Court the amount due under the order, or the monthly instalments, as the case may be.*

Attachment of salary or allowances of public officer or servant of railway company or local authority.

(*2*) *Where the attachable proportion of such salary or allowances is already being withheld and remitted to a Court in pursuance of a previous and unsatisfied order of attachment, the officer appointed by the Government in this behalf shall forthwith return the subsequent order to the Court issuing it with a full statement of all the particulars of the existing attachment.*

(*3*) *Every order made under this rule, unless it is returned in accordance with the provisions of sub-rule (2), shall, without further notice or other process, bind the Government or the railway company or local authority, as the case may be, while the judgment-debtor is within the local limits to which this Code for the time being extends and while he is beyond those limits if he is in receipt of any salary or allowances payable out of His Majesty's Indian revenues or the funds of a railway company carrying on business in any part of British India or local authority in British India; and the Government or the railway company or local authority, as the case may be, shall be liable for any sum paid in contravention of this rule.*

[Cf. 53 & 54 Vict., c. 39, s. 23.] 49. (*1*) *Save as otherwise provided by this rule, property belonging to a partnership shall not be attached or sold in execution of a decree other than a decree passed against the firm or against the partners in the firm as such.*

Attachment of partnership property.

(*2*) *The Court may, on the application of the holder of a decree against a partner, make an order charging the interest of such partner in the partnership property and profits with payment of the amount due under the decree and the interest thereon, and may, by the same or a subsequent order, appoint a receiver of the share of such partner in the profits (whether already declared or accruing) and of any other money which may be coming to him in respect of the partnership, and direct accounts and inquiries and make an order for the sale of such interest or other orders as might have been directed or made if a charge had been made in favour of the decree-holder by such partner, or as the circumstances of the case may require.*

(*3*) *The other partner or partners shall be at liberty at any time to redeem the interest charged or, in the case of a sale being directed, to purchase the same.*

[Cf. O. 46, r. ..] (*4*) *Every application for an order under sub-rule (2) shall be served on the judgment-debtor and on his partners or such of them as are within British India.*

[Cf. ibid., r. ..] (*5*) *Every application made by any partner of the judgment-debtor under sub-rule (3) shall be served on the decree-holder and on the judgment-debtor, and on such of the other partners as do not join in the application and as are within British India.*

(*6*) *Service under sub-rule (4) or sub-rule (5) shall be deemed to be service on all the partners, and all orders made on such applications shall be similarly served.*

50. *Where* the property *is* a negotiable instrument not deposited in a Court, nor in the custody of a public officer, the attachment shall be made by actual seizure, and the instrument shall be brought into Court and held subject to further orders of the Court. [S. 270.]

Attachment of negotiable instruments.

51. *Where* the property *to be attached is* in the custody of any Court or public officer, the attachment shall be made by a notice to such Court or officer, requesting that such property, and any interest or dividend becoming payable thereon, may be held subject to the further orders of the Court from which the notice *is* issued: [S. 272.]

Attachment of property *in custody of* Court or *public* officer.

Provided that, *where* such property is in the custody of a Court, any question of title or priority arising between the decree-holder and any other person, not being the judgment-debtor, claiming to be interested in such property by virtue of any assignment, attachment or otherwise, shall be determined by such Court.

52. (*1*) *Where* the property *to be attached is* a decree, *either* for *the payment of* money *or for sale in enforcement of a mortgage or charge,* the attachment shall be made,— [S. 273.]

Attachment of decrees.

(*a*) *if the decrees were passed by the same Court, then* by order of such Court, and,

(*b*) *if the decree sought to be attached was passed by another Court, then* by the issue to such *other* Court of a notice in writing by the Court which passed the decree sought to be executed, requesting *such other* Court to stay the execution of its decree unless and until—

(*i*) the Court which passed the decree sought to be executed cancels the notice, or

(*ii*) the holder of the decree sought to be executed *or his judgment-debtor* applies to the Court receiving such notice to execute its own decree.

(*2*) *Where a Court makes an order under clause (a) of sub-rule (1), or receives an application under sub-head (ii) of clause (b) of the said sub-rule, it shall, on the application of the creditor who has attached the decree or his judgment-debtor, proceed to execute the attached decree and* apply the *net* proceeds in satisfaction of the decree sought to be executed.

(*3*) *The holder of a decree sought to be executed by the attachment of another decree of the nature specified in sub-rule (1) shall be deemed to be the representative of the holder of the attached decree and to be entitled to execute such attached decree in any manner lawful for the holder thereof.*

(*4*) *Where the property to be attached in the execution of a decree is a decree other than a decree of the nature referred to in sub-rule (1)*, the attachment shall be made, by a notice in writing, *by* the Court which passed the decree sought to be executed, to the holder of the decree sought to be attached, prohibiting him from transferring or charging *the same* in any way; and, where such decree has been passed by any other Court, also by sending to such other Court a notice *to abstain from executing the decree sought to be attached until such notice is cancelled by the Court from which it was sent.*

(*5*) The holder of a decree attached under this *rule* shall give the Court executing the *decree* such information and aid as may reasonably be required.

(*6*) *On the application of the holder of a decree sought to be executed by the attachment of another decree, the Court making an order of attachment under this rule shall give notice of such order to the judgment-debtor bound by the decree attached; and no payment or adjustment of the attached decree made by the judgment-*

The Code of Civil Procedure Bill.

(*The First Schedule.*)—(*Order XXI.*)

debtor in contravention of such order after receipt of notice thereof, either through the Court or otherwise, shall be recognised by any Court so long as the attachment remains in force.

[S. 274.] 53. (*1*) *Where* the property *is* immoveable, the attachment shall be made by an order prohibiting the judgment-debtor from transferring or charging the property in any way, and all persons from *taking any benefit from such transfer or charge.*

Attachment of immoveable property.

(*2*) *The* order shall be proclaimed at some place on or adjacent to such property by beat of drum or other customary mode, and a copy of the order shall be *affixed on* a conspicuous part of the property and *then upon a conspicuous part* of the court-house, *and also, where the property* is land paying revenue to *the* Government, in the office of the Collector of the district in which the land is situate.

[S. 275.] *Removal* of attachment after satisfaction of decree.

54. *Where*—

(*a*) the amount decreed with costs and all charges and expenses resulting from the attachment of any property *are* paid into Court, or

(*b*) satisfaction of the decree *is* otherwise made through the Court *or certified to the Court*, or

(*c*) the decree is set aside or reversed,

the attachment shall be deemed to be withdrawn, and, in the case of immoveable property, the withdrawal shall, if the judgment-debtor so desires, be proclaimed at his expense, and a copy of the proclamation shall be affixed in the manner prescribed by the last preceding rule.

[S. 277.] 55. *Where* the property attached is coin or currency notes, the Court may, at any time during the continuance of the attachment, direct that such coin or notes, or a part thereof sufficient to satisfy the decree, be paid over to the party entitled under the decree to receive the same.

Order for payment of coin or currency notes to party entitled *under decree.*

[New.] 56. *Where any property has been attached in execution of a decree but by reason of the decree-holder's default the Court is unable to proceed further with the application for execution, it shall either dismiss the application or for any sufficient reason adjourn the proceedings to a future date. Upon the dismissal of such application the attachment shall cease.*

Determination of attachment.

Investigation of claims and objections.

[S. 278.] 57. (*1*) *Where* any claim *is* preferred to, or any objection is made to the attachment of, any property attached in execution of a decree on the ground that such property is not liable to such attachment, the Court shall proceed to investigate the claim or objection with the like power as regards the examination of the claimant or objector, and in all other respects, as if he was a party to the suit :

Investigation of claims to, and objections to attachment of, attached property.

Provided that no such investigation shall be made where the Court considers that the claim or objection was designedly or unnecessarily delayed.

(*2*) *Where* the property to which the claim or objection applies has been advertised for sale, the Court ordering the sale may postpone it pending the investigation of the claim or objection.

Postponement of sale.

[S. 279.] 58. The claimant or objector must adduce evidence to show that at the date of the attachment he had some interest in, or was possessed of, the property attached.

Evidence to be adduced by claimant.

59. *Where* upon the said investigation the Court is satisfied that for the reason stated in the claim or objection such property was not, when attached, in the possession of the judgment-debtor or of some person in trust for him, or in the occupancy of a tenant or other person paying rent to him, or that, being in the possession of the judgment-debtor at such time, it was so in his possession, not on his own account or as his own property, but on account of or in trust for some other person, or partly on his own account and partly on account of some other person, the Court shall *make* an order for releasing the property, wholly or to such extent as it thinks fit, from attachment. [S. 280.]

Release of property from attachment.

60. *Where* the Court is satisfied that the property was, at the time it was attached, in possession of the judgment-debtor as his own property and not on account of any other person, or was in the possession of some other person in trust for him, or in the occupancy of a tenant or other person paying rent to him, the Court shall disallow the claim. [S. 281.]

Disallowance of claim to property attached.

61. *Where* the Court is satisfied that the property is subject to a mortgage or lien in favour of some person not in possession, and thinks fit to continue the attachment, it may do so, subject to such mortgage or lien. [S. 282.]

Continuance of attachment subject to claim of incumbrancer.

62. *Where a claim or an objection is preferred*, the party against whom an order is *made* may institute a suit to establish the right which he claims to the property in dispute, but, subject to the result of such suit, if any, the order shall be conclusive. [S. 283.]

Saving of suits to establish right to attached property.

Sale generally.

63. Any Court *executing a decree* may order that any property attached *by it and liable to sale*, or such portion thereof as may seem necessary to satisfy the decree, shall be sold, and that the proceeds of such sale, or a sufficient portion thereof, shall be paid to the party entitled under the decree to receive the same. [S. 284.]

Power to order property attached to be sold and proceeds to be paid to person entitled.

64. Save as *otherwise prescribed*, *every* sale in execution of *a* decree shall be conducted by an officer of the Court or by *such* other person *as* the Court may appoint *in this behalf*, and shall be made by public auction in manner *prescribed*. [S. 286.]

Sales by whom conducted and how made.

65. (*1*) *Where* any property is ordered to be sold by public auction in execution of a decree, the *Court* shall cause a proclamation of the intended sale to be made in the language of such Court. [S. 287.]

Proclamation of sales by public auction.

(*2*) Such proclamation shall *be drawn up after notice to the decree-holder and the judgment-debtor and shall* state the time and place of sale, and specify as fairly and accurately as possible—

(*a*) the property to be sold ;

(*b*) the revenue assessed upon the estate or part of the estate, where the property to be sold is an interest in an estate or *in* part of an estate paying revenue to *the* Government ;

(*c*) any incumbrance to which the property is liable ;

(*d*) the amount for the recovery of which the sale is ordered ; and

(*e*) every other thing which the Court considers material for *a* purchaser to know in order to judge of the nature and value of the property.

(*3*) *Every application for an order for sale under this rule shall be accompanied by a statement signed and verified in the manner hereinbefore prescribed for the signing and verification of pleadings and containing, so* [S. 287, para.]

The Code of Civil Procedure Bill.

(The First Schedule.)

(Order XXI.)

far as they are known to or can be ascertained by the person making the verification, the matters required by sub-rule (2) to be specified in the proclamation.

(4) For the purpose of ascertaining the matters to be specified *in the proclamation*, the Court may summon any person whom it thinks necessary *to summon and may* examine him in respect to any such matters and require him to produce any document in his possession or power relating thereto.

[S. 289.] *Mode of making proclamation.*

66. (1) *Every* proclamation shall be made *and published, as nearly as may be,* in *the* manner prescribed by *rule 53, sub-rule* (2).

(2) *Where* the Court so directs, such proclamation shall also be published in the local official Gazette *or* in some local newspaper, *or in both*, and the costs of such publication shall be deemed to be costs of the sale.

(3) *Where property is divided into lots for the purpose of being sold separately, it shall not be necessary to make a separate proclamation for each lot, unless proper notice of the sale cannot, in the opinion of the Court, otherwise be given.*

[S. 290.] *Time of sale.*

67. *Save* in the case of property *of the kind described* in the proviso to *rule 43*, no sale *here*under shall, without the consent in writing of the judgment-debtor, take place until after the expiration of at least thirty days in the case of immoveable property, and of at least fifteen days in the case of moveable property, calculated from the date on which the copy of the proclamation has been *affixed* in the court-house of the Judge ordering the sale.

[S. 291.] *Adjournment or stoppage of sale.*

68. (1) The Court may, in its discretion, adjourn any sale hereunder to a specified day and hour, and the officer conducting any such sale may in his discretion adjourn the sale, recording his reasons for such adjournment:

Provided that, where the sale is made in, or within the precincts of, the court-house, no such adjournment shall be made without the leave of the Court.

(2) *Where a* sale is adjourned under *sub*-rule (1) for a longer period than seven days, a fresh proclamation under rule 66 shall be made, unless the judgment-debtor consents to waive it.

(3) Every sale shall be stopped if, before the lot is knocked down, the debt and costs (including the costs of the sale) are tendered to *the* officer *conducting the sale*, or proof is given to his satisfaction that the amount of such debt and costs has been paid into the Court *which* ordered the sale.

[S. 287, last para.] *Saving of certain sales.*

69. Nothing in *rules 65 to 68* shall *be deemed to* apply to *any* case in which the execution of *a* decree has been transferred to the Collector.

[S. 293.] Defaulting purchaser answerable for loss on re-sale.

70. *Any* deficiency of price which may happen on a re-sale by reason of the purchaser's default, and all expenses attending such re-sale, shall be certified to the Court *or to the Collector or subordinate of the Collector, as the case may be*, by the officer *or other person* holding the sale, and shall, at the instance of either the *decree-holder* or the judgment-debtor, be recoverable from the defaul*ting purchaser* under the *provisions relating to* the execution of a decree for *the payment of* money.

[S. 294.] Decree-holder not to bid for or buy property without permission.

71. (1) No holder of a decree in execution of which property is sold shall, without the express permission of the Court, bid for or purchase the property.

Where decree-holder purchases amount of decree may be taken as payment.

(2) *Where* a decree-holder purchases with such permission the purchase-money and the amount due on the decree may, *subject to the provisions of section 73*, be set off against one another, and the Court executing the decree shall enter up satisfaction of the decree in whole or in part accordingly.

(3) *Where* a decree-holder purchases, by himself or through another person, without such permission, the Court may, if it thinks fit, on the application of the judgment-debtor or any other person *whose* interests *are affected by* the sale, by order set aside the sale; and the costs of such application and order, and any deficiency of price which may happen on the re-sale and all expenses attending it, shall be paid by the decree-holder.

Restriction on bidding or purchase by officers. [S. 292.]

72. No officer *or other person* having any duty to perform in connection with any sale shall, either directly or indirectly, bid for, acquire or attempt to acquire any interest in *the* property sold.

Sale of moveable property.

Sale of agricultural produce. [New.]

73. (1) *Where the property to be sold is agricultural produce, the sale shall be held,—*

(a) *if such produce is a growing crop, on or near the land on which such crop has grown, or,*

(b) *if such produce has been cut or gathered, at or near the threshing-floor or place for treading out grain or the like or fodder-stack on or in which it is deposited:*

Provided that the Court may direct the sale to be held at the nearest place of public resort, if it is of opinion that the produce is thereby likely to sell to greater advantage.

(2) *Where, on the produce being put up for sale,—*

(a) *a fair price, in the estimation of the person holding the sale, is not offered for it, and*

(b) *the owner of the produce or a person authorised to act in his behalf applies to have the sale postponed till the next day or, if a market is held at the place of sale, the next market-day,*

the sale shall be postponed accordingly and shall be then completed, whatever price may be offered for the produce.

(3) *Where the Court has ordered the sale of agricultural produce with respect to which a precept has been issued under rule 45, clause (b), the Collector, or any subordinate of the Collector deputed by him, shall have all the powers and perform all the duties of the Court relating to the sale of such produce.*

(4) *Where agricultural produce is sold by the Collector or any subordinate of the Collector deputed by him, the proceeds, after deduction of all expenses authorised by or under this Code or any other enactment for the time being in force, shall, together with an account of the same, be transmitted to the Court.*

Special provisions relating to growing crops. [New; Cf. VIII of 1885, ss. 127 (1) and 129 (2).]

74. (1) *Where the property to be sold is a growing crop and the crop from its nature admits of being stored but has not yet been stored, the day of the sale shall be so fixed as to admit of its being made ready for storing before the arrival of such day, and the sale shall not be held until the crop has been cut or gathered and is ready for storing.*

(2) *Where the crop from its nature does not admit of being stored, it may be sold before it is cut and gathered, and the purchaser shall be entitled to enter on the land, and to do all that is necessary for the purpose of tending and cutting or gathering it.*

Negotiable instruments and shares in corporations. [S. 296.]

75. *Where* the property to be sold is a negotiable instrument or a share in a corporation, the Court may, instead of directing the sale to be made by public auction, authorize the sale of such instrument or share through a broker.

Other moveable property. [S. 297.]

76. (1) In the case of other moveable property the price of each lot shall be paid at the time of sale or as soon after as the officer *or other person* holding the sale directs, and in default of payment the property shall forthwith be *re*-sold.

The Code of Civil Procedure Bill.

(*The First Schedule.*)

(*Order XXI.*)

(2) On payment of the purchase money, the officer *or other person* holding the sale shall grant a receipt for the same, and the sale shall become absolute.

(3) *Where the moveable property to be sold is a share in goods belonging to the judgment-debtor and a co-owner, and two or more persons, of whom one is such co-owner, respectively bid the same sum for such property or for any lot, the bidding shall be deemed to be the bidding of the co-owner.*

[S. 298.] 77. No irregularity in publishing or conducting the sale of moveable property shall vitiate the sale; but any person sustaining any injury by reason of such irregularity at the hand of any other person may institute a suit against him for compensation, or (if such other person *is* the purchaser) for the recovery of the specific property and for compensation in default of such recovery.

Irregularity not to vitiate sale of moveable property, but any person injured may sue.

[S. 299.] 78. (1) Where the property sold is moveable property of which actual seizure has been made, *it* shall be delivered to the purchaser.

Delivery of moveable property, debts and shares.

[S. 300.] (2) Where the property sold is moveable property *in* the possession *of* some person other *than* the judgment-debtor, the delivery thereof to the purchaser shall be made by giving notice to the person in possession prohibiting him from delivering possession of the property to any person except the purchaser.

[S. 301.] (3) Where the property sold is a debt not secured by a negotiable instrument, or is a share in *a corporation*, the delivery thereof shall be made by a written order of the Court prohibiting the creditor from receiving the debt or any interest thereon, and the debtor from making payment thereof to any person except the purchaser, or prohibiting the person in whose name the share may be standing from making any transfer of the share to any person except the purchaser, or receiving payment of any dividend or interest thereon, and the manager, secretary or other proper officer of the *corporation* from permitting any such transfer or making any such payment to any person except the purchaser.

[S. 302.] 79. (1) *Where a document* or *the* endorsement of the party in whose name a negotiable instrument or a share in a *corporation* is standing is required to transfer such *negotiable* instrument or share, the Judge *or such officer as he may appoint in this behalf* may execute such document *or make such endorsement* as may be necessary, and such execution *or* endorsement *shall have the same effect as an execution or endorsement by the party.*

Transfer of negotiable instruments and shares.

(2) *Such* execution or endorsement may be in the following form, namely:—

A. B. by C. D., Judge of the Court of (*or as the case may be*), in a suit by E. F. against A. B.

(3) Until the transfer of such *negotiable* instrument or share, the Court may, by order, appoint some person to receive any interest or dividend due thereon and to sign a receipt for the same; and any receipt so signed shall be as valid and effectual for all purposes as if the same had been signed by the party himself.

[S. 303.] 80. In the case of any moveable property not hereinbefore provided for, the Court may make an order vesting such property in the purchaser or as he may direct; and such property shall vest accordingly.

Vesting order in case of other property.

Sale of immoveable property.

[S. 304.] 81. Sales of immoveable property in execution of decrees may be ordered by any Court other than a Court of Small Causes.

What Courts may order sales of immoveable property.

82. (1) Where an order for the sale of immoveable property has been made, if the judgment-debtor can satisfy the Court that there is reason to believe that the amount of the decree may be raised by *the* mortgage or lease or private sale of such property, or some part thereof, or of any other immoveable property of the judgment-debtor, the Court may, on his application, postpone the sale of *the* property comprised in the order for sale *on such terms and* for such period as it thinks proper, to enable him to raise the amount. [S. 305.]

Postponement of sale of immoveable property to enable judgment-debtor to raise amount of decree.

(2) In such case the Court shall grant a certificate to the judgment-debtor authorizing him within a period to be mentioned therein, and notwithstanding anything contained in section 64, to make the proposed mortgage, lease or sale:

Provided that all monies payable under such mortgage, lease or sale shall be paid, not to the judgment-debtor, *but, save in so far as a decree-holder is entitled to set-off such money under the provisions of rule 71, into Court:*

Provided also that no mortgage, lease or sale under this *rule* shall become absolute until it has been confirmed by the Court.

(3) *Nothing in this rule shall be deemed to apply to a sale of property directed to be sold in execution of a decree for the enforcement of a mortgage of, or charge on, such property.*

83. (1) On every sale of immoveable property the person declared to be the purchaser shall pay immediately after such declaration a deposit of twenty-five per cent. on the amount of his purchase-money to the officer *or other person* conducting the sale, and, in default of such deposit, the property shall forthwith be *re*-sold. [S. 306.]

Deposit by purchaser of immoveable property and re-sale on default.

(2) *Where the decree-holder is the purchaser and is entitled to set-off the purchase-money under rule 71, the Court may dispense with the requirements of this rule.*

84. The full amount of purchase-money *payable* shall be *paid* by the purchaser *into Court* before the Court closes on the fifteenth day *from* the sale of the property: [S. 307.]

Payment in full of purchase-money of immoveable property and re-sale on default.

Provided that, in calculating the amount to be so paid into Court, the purchaser shall have the advantage of any set-off to which he may be entitled under rule 71.

85. In default of payment within *the* period mentioned in the last preceding *rule*, the deposit *may, if the Court thinks fit*, after defraying the expenses of the sale, be forfeited to the Government, and the property shall be re-sold, and the defaulting purchaser shall forfeit all claim to the property or to any part of the sum for which it may subsequently be sold. [S. 308.]

Procedure in default of payment.

86. Every re-sale of immoveable property, in default of payment of the purchase-money within the period allowed for such payment, shall be made after the issue of a fresh *proclamation* in the manner and for the period hereinbefore prescribed for the sale. [S. 309.]

Notification on re-sale of immoveable property.

87. Where the property sold is a share of undivided immoveable property and two or more persons, of whom one is a co-sharer, respectively *bid* the same sum *for such property or for any lot, the* bid shall be deemed to be the bid of the co-sharer. [S. 310.]

Co-sharer to have preference in bidding in *certain cases.*

88. (1) *Where* immoveable property has been sold *in execution of a decree of any kind, including a decree in a suit for sale for the enforcement of a mortgage or charge, any person, either owning such property or holding an interest therein by virtue of a title acquired before such sale,* [S. 310A.]

Application to set aside sale on deposit.

The Code of Civil Procedure Bill.

(*The First Schedule.*)

(*Order XXI.*)

may, at any time within thirty days from the date of the sale, apply to have the sale set aside on his depositing in Court,—

(*a*) for payment to the purchaser, a sum equal to five per cent. of the purchase-money, and

(*b*) for payment to the decree-holder, the amount specified in the proclamation of sale as that for the recovery of which the sale was ordered, less any amount which may, since the date of such proclamation of sale, have been received by the decree-holder.

(2) *Where* a person applies under *rule 89* to set aside the sale of his immoveable property, he shall not, *unless he withdraws his application*, be entitled to make *or prosecute* an application under this *rule*.

(3) *Nothing in this rule shall relieve the judgment-debtor from any liability he may be under in respect of costs and interest not covered by the proclamation of sale.*

[S. 311.] Application to set aside sale of *immoveable property* on ground of irregularity.

89. (*1*) *Where any immoveable property has been sold in execution of a decree, the* decree-holder, or any person *entitled to share in a rateable distribution of assets, or whose interests are affected by the sale,* may apply to the Court to set aside the sale on the ground of a material irregularity in publishing or conducting it:

Provided that no sale shall be set aside on the ground of irregularity unless *upon the facts proved the Court is satisfied that* the applicant has sustained substantial injury by reason of such irregularity.

[S. 313.] Application by purchaser to set aside sale of any property on ground of judgment-debtor having no saleable interest.

90. The purchaser at any sale *in execution of a decree* may apply to the Court to set aside the sale, on the ground that the *judgment-debtor* had no saleable interest therein *in the property sold.*

[Ss. 312, 314.] Sale when to become absolute or be set aside.

91. (*1*) *Where* no application *is made under rule 88, rule 89 or rule 90, or where such application is made and disallowed, the Court shall make an order confirming the sale, and thereupon the sale shall become absolute.*

(2) *Where* such application is made and allowed, *and where, in the case of an application under rule 88,* the deposit required by *that rule is made within thirty days from the date of sale,* the Court shall make an order setting aside the sale:

Provided that no order shall be made unless *notice of the application has been given to all persons affected thereby.*

(3) *No suit to set aside an order made under this rule shall be brought by any person against whom such order is made.*

[S. 315.] *Return of purchase-money in certain cases.*

92. *Where* a sale of immoveable property is set aside under *rule 91*, the purchaser shall be entitled to *an order for repayment of* his purchase-money, with or without interest as the Court may direct, *against* any person to whom *it* has been paid.

[S. 316.] Certificate to purchaser of immoveable property.

93. *Where* a sale of immoveable property has become absolute, the Court shall grant a certificate *specifying* the property sold and the name of the person who at the time of sale is declared to be the purchaser. Such certificate shall bear date *the day on which the* sale *became absolute.*

[S. 318.] Delivery of immoveable property in occupancy of judgment-debtor.

94. Where the *immoveable* property sold is in the occupancy of the judgment-debtor or of some person on his behalf or of some person claiming under a title created by the judgment-debtor subsequently to the attachment of such property and a certificate in respect thereof has been granted under *rule 93*, the Court shall, on *the* application *of the purchaser made within three years from the date of the certificate*, order delivery to be made by putting *such* purchaser or any person whom he may appoint to receive delivery on his behalf in possession of the property, and, if need be, by removing any person who refuses to vacate the same.

[S. 319.] Delivery of immoveable property in occupancy of tenant.

95. *Where* the property sold is in the occupancy of a tenant or other person entitled to occupy the same and a certificate in respect thereof has been granted under *rule 93*, the Court shall, *on the application of the purchaser made within three years from the date of the certificate*, order delivery to be made by affixing a copy of the certificate of sale in some conspicuous place on the property, and proclaiming to the occupant by beat of drum or other customary mode, at some convenient place, that the interest of the judgment-debtor has been transferred to the purchaser.

Resistance to execution.

[S. 328.] Resistance or obstruction to execution of decree.

96. (*1*) *Where* in the execution of a decree for the possession of property, the officer charged with the execution of the warrant is resisted or obstructed by any person, the decree-holder may *apply* to the Court at any time within one month from the time of such resistance or obstruction.

(2) The Court shall fix a day for investigating the *matter*, and shall summon the party against whom the complaint is made to answer the same.

[S. 329.] Obstruction by judgment-debtor.

97. (*1*) *Where* the Court is satisfied that the obstruction or resistance was occasioned by the judgment-debtor or by some *other* person at his instigation, the Court shall inquire into the matter, and *make* such order *as it thinks fit.*

[S. 330.] (2) *Where* the Court is satisfied that the resistance or obstruction was without any just cause and that the complainant is still resisted or obstructed in obtaining possession of the property by the judgment-debtor or by some other person at his instigation, the Court may, *at the instance of the decree-holder, order* the judgment-debtor or such other person *to be detained in the Civil prison* for a term which may extend to thirty days, and *further* direct that the decree-holder be put into the possession of the property.

[S. 331.] Obstruction by claimant other than judgment-debtor.

98. *Where the Court is satisfied that* the resistance or obstruction has been occasioned by any person (other than the judgment-debtor) claiming in good faith to be in possession of the property on his own account or on account of some person other than the judgment-debtor, *the Court* shall proceed to investigate the *matter* and shall make such order as it thinks fit.

[S. 332.] *Procedure in case of person dispossessed of property disputing right of decree-holder to be put into possession.*

99. (*1*) *Where* any person other than the judgment-debtor is dispossessed of any property in execution of a decree and disputes the right of the decree-holder to dispossess him of such property under the decree on the ground that the property was in his possession on his own account or on account of some person other than the judgment-debtor, and that it was not comprised in the decree, or that, if it was comprised in the decree, he was not a party to the suit in which the decree was passed, he may apply to the Court.

(2) *Where* it appears to the Court that there is probable cause for making the application, the Court shall proceed to investigate the matter in *controversy*, and, if it finds that *any of* the grounds of *dispute* mentioned in *sub-rule* (*1*) exists, it shall make an order that the applicant recover possession of the property, and, if it does not find as aforesaid, it shall dismiss the application.

(3) In hearing applications under this *rule*, the Court shall confine itself to the grounds of dispute *mentioned in sub-rule* (*1*).

The Code of Civil Procedure Bill.

(The First Schedule.)

(Orders XXI, XXII.)

[S. 333.] **100.** Nothing in *rule 98 or rule 99 shall be deemed to apply* to a person to whom the judgment-debtor has transferred the property after the institution of the suit in which the decree is *passed*.

Transfer of property by the judgment-debtor after institution of suit.

[S. 334.] **101.** *Where* the purchaser of any immoveable property sold in execution of a decree is resisted or obstructed by the judgment-debtor or *by some other person at the instigation of the judgment-debtor* in obtaining possession of the property, the provisions relating to resistance or obstruction to a decree-holder in obtaining possession of the property adjudged to him shall, *so far as they are* applicable, *be deemed to apply*.

Obstruction to possession by judgment-debtor or at his instigation.

[S. 335.] **102.** *Where* the purchaser of any such property is resisted or obstructed by any person (other than the judgment-debtor) claiming in good faith a right to the present possession thereof, or *where*, in delivering possession thereof, any such person is dispossessed, the Court, on the complaint of the purchaser or the person so dispossessed, shall inquire into the matter of the resistance, obstruction or dispossession, as the case may be, and *make* such order thereon as it thinks fit.

Obstruction to possession by claimant other than judgment-debtor.

[S. 335, second para.] **103.** The *person* against whom *an* order is *made under rule 98, rule 99 or rule 102* may institute a suit to establish the right which he claims to the present possession of the property, but, subject to the result of such suit (if any), the order *so made* shall be *conclusive*.

Saving of suit to establish right.

ORDER XXII.

Death, Marriage and Insolvency of Parties.

[S. 361.] **1.** The death of a plaintiff or defendant shall not cause the suit to abate if the right to sue survives.

No abatement by party's death, if right to sue survives.

[S. 362.] **2.** *Where* there *are* more plaintiffs or defendants than one, and any of them dies, and *where* the right to sue survives to the surviving plaintiff or plaintiffs alone, or against the surviving defendant or defendants alone, the Court shall cause an entry to that effect to be made on the record, and the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, or against the surviving defendant or defendants.

Procedure where one of several plaintiffs or defendants dies and right to sue survives.

[S. 363.] **3.** *Where* there are more plaintiffs than one, and any of them dies, and *where* the right to sue does not survive to the surviving plaintiff or plaintiffs alone, but survives to him or them and the legal representative of the deceased plaintiff jointly, the Court, *on an application made in that behalf*, may cause the legal representative (if any) of the deceased plaintiff to be made a party, and shall thereupon cause an entry to that effect to be made on the record and proceed with the suit.

Procedure where one of several plaintiffs dies and right to sue does not survive to surviving plaintiffs alone.

[S. 365.] **4.** In case of the death of a sole plaintiff or sole surviving plaintiff, the legal representative of the deceased may, where the right to sue survives, apply to the Court to have his name entered on the record in place of the deceased plaintiff, and the Court shall thereupon enter his name and proceed with the suit.

Procedure in case of death of sole, or sole surviving, plaintiff.

[S. 366.] **5.** *Where* within the time limited by law no application *under the last preceding rule is* made to the Court by any person claiming to be the legal representative of the deceased plaintiff, the Court may *make* an order *declaring* that the suit *has abated*, and, on the application of the defendant, award to *him* the costs which he may have incurred in defending the suit, to be recovered from the estate of the deceased plaintiff; or the Court may, on the application of the defendant, and upon such terms as to costs or otherwise as it thinks fit, *make an* order for bringing in the legal representative of the deceased plaintiff, *and* for proceeding with the suit in order to a final determination of the matter in dispute.

Abatement where no application by representative of deceased plaintiff.

6. *Where* any dispute arises as to who is the legal representative of a deceased plaintiff, the Court *shall* determine who shall be *deemed* to be such legal representative for the purpose of prosecuting the suit. [S. 367.]

Procedure in case of dispute as to representative of deceased plaintiff.

7. (*1*) *Where* one *of two or* more defendants dies and the right to sue does not survive against the surviving defendant or defendants alone, or a sole defendant or sole surviving defendant *dies and* the right to sue survives, the plaintiff may make an application to the Court specifying the name, description, and place of *residence* of any person whom he alleges to be the legal representative of the deceased defendant, and whom he desires to be made the defendant in his stead. [S. 368.]

Procedure in case of death of one of several defendants, or of sole, or sole surviving, defendant.

(*2*) The Court shall thereupon enter the name of such representative on the record in the place of such defendant, and shall issue a summons to such representative to appear on a day to be therein mentioned to defend the suit, and the case shall thereupon proceed in the same manner as if such representative had originally been made a defendant and had been a party to the former proceedings in the suit:

Provided that the person so made *a* defendant may object that he is not the legal representative of the deceased defendant, or may make any defence appropriate to his character as such representative.

(*3*) *Where* the plaintiff fails to make such application within the period prescribed therefor, *an order shall be made declaring that* the suit *has abated as against the deceased defendant.*

(*4*) The legal representative of a deceased defendant may apply to have himself made a defendant in place of the deceased defendant, and the provisions of this *rule*, so far as they are applicable, shall apply to the application and to the proceedings and consequences ensuing thereon.

8. *Notwithstanding anything contained in the foregoing rules, whether the cause of action survives or not, there shall be no abatement by reason of the death of either party between the conclusion of the hearing and the pronouncing of the judgment, but judgment may in such case be pronounced notwithstanding the death, and may be antedated accordingly.* [O. 17, r. 1.]

No abatement by reason of death after hearing.

9. (*1*) The marriage of a female plaintiff or defendant shall not cause the suit to abate, but the suit may notwithstanding be proceeded with to judgment, and, where the decree is against a female defendant, it may be executed against her alone. [S. 369.]

Suit not abated by marriage of female party.

(*2*) *Where* the husband is by law liable for the debts of his wife, the decree may, with the permission of the Court, be executed against the husband also; and, in case of judgment for the wife, execution of the decree may, with such permission, be issued upon the application of the husband, where the husband is by law entitled to the subject-matter of the decree.

10. (*1*) The insolvency of a plaintiff in any suit which *the* assignee or receiver might maintain for the benefit of his creditors, shall not *cause* the suit *to abate*, unless such assignee or receiver declines to continue the suit *or (unless for any special reason the Court otherwise directs)* to give security for the costs thereof within such time as the Court may direct. [S. 370.]

When plaintiff's insolvency bars suit.

The Code of Civil Procedure Bill.

(*The First Schedule.*)

(*Orders XXII—XXIV.*)

Procedure when assignee fails to continue suit or give security.

(2) *Where* the assignee or receiver neglects or refuses to continue the suit and to give such security within the time so ordered, the defendant may apply for the dismissal of the suit on the ground of the plaintiff's insolvency, and the Court may *make an order* dismiss*ing* the suit and award*ing* to the defendant the costs which he has incurred in defending the same to be proved as a debt against the plaintiff's estate.

[S. 371.] *Effect of abatement or dismissal.*

11. (*1*) *Where* a suit abates or is dismissed under this *Order*, no fresh suit shall be brought on the same cause of action.

(2) The *plaintiff or the* person claiming to be the legal representative of *a* deceased *plaintiff or the assignee or the receiver in the case of an* insolvent plaintiff may apply for an order to set aside the abatement or dismissal; and, if it *is* proved that he was prevented by any sufficient cause from continuing the suit, the Court shall set aside the abatement or dismissal upon such terms as to costs or otherwise as it thinks fit.

[S. 372.] *Procedure in case of assignment before final order in suit.*

12. (*1*) In other cases of an assignment, creation or devolution of any interest *during the pendency of a suit*, the suit may, *by* leave of the Court, be continued by or against the person to *or upon* whom such interest has come *or devolved*.

(2) *The attachment of a decree pending an appeal therefrom shall be deemed to be an interest entitling the person who procured such attachment to the benefit of sub-rule* (*1*).

[S. 582, last part.] *Application of Order to appeals.*

13. *In the application of this Order to appeals, so far as may be, the word "plaintiff" shall be held to include an appellant, the word "defendant" a respondent, and the word "suit" an appeal.*

[New.] *Application of Order to proceedings.*

14. *Nothing in rules* 5, 7 *and* 11 *shall apply to proceedings in execution of decrees.*

[New.] XV of 1877. *Extension of time.*

15. *The provisions of paragraph* 2 *of section* 5 *of the Indian Limitation Act,* 1877, *shall apply to applications under this Order.*

ORDER XXIII.

Withdrawal and Adjustment of Suits.

[S. 373.] *Withdrawal of suit or abandonment of part of claim.*

1. (*1*) At any time after the institution of a suit *the plaintiff may, as against all or any of the defendants, withdraw his suit or abandon part of his claim.*

(2) Where the Court is satisfied—

(*a*) that a suit must fail by reason of some formal defect, or

(*b*) that there are other sufficient grounds for allowing the *plaintiff* to *institute* a fresh suit for the subject-matter of *a* suit or part *of a claim*,

it may, on such terms as it thinks fit, grant *the plaintiff* permission to withdraw from such suit or abandon such part of a claim with liberty to *institute* a fresh suit in respect of *such* subject-matter of such suit or *such* part *of a claim*.

(3) Where the plaintiff withdraws from a suit, or abandons a part of a claim, without the permission referred to in sub-*rule* (2), he *shall be liable for such costs as the Court may award and* shall be precluded from *instituting* any fresh suit *in respect of such subject-matter or such part of the claim*.

(4) Nothing in this *rule* shall be deemed to authorize the Court to permit one of several plaintiffs to withdraw without the consent of the others.

Limitation law not affected by first suits. [S. 374.]

2. In any fresh suit instituted on permission granted under the last preceding *rule*, the plaintiff shall be bound by the law of limitation in the same manner as if the first suit had not been *instituted*.

Compromise of suit. [S. 375.]

3. *Where it is proved to the satisfaction of the Court that* a suit *has been* adjusted wholly or in part by any lawful agreement or compromise, or *where* the defendant satis*fies* the plaintiff in respect *of* the whole or any part of the subject-matter of the suit, *the Court shall order* such agreement, compromise or satisfaction *to* be recorded, and shall pass a decree in accordance therewith so far as it relates to the suit, and such decree shall be *conclusive* so far as relates to so much of the subject-matter of the suit as is dealt with by the agreement, compromise or satisfaction.

Proceedings in execution of decrees not affected. [S. 375A.]

4. Nothing in *this Order* shall apply to any proceedings in *execution of a* decree.

ORDER XXIV.

Payment into Court.

Deposit by defendant of amount in satisfaction of claim. [S. 376.]

1. The defendant in any suit to recover a debt or damages may, at any stage of the suit, deposit in Court such sum of money as he considers a satisfaction in full of the claim.

Notice of deposit. [S. 77.]

2. Notice in writing of the deposit shall be given through the Court by the defendant to the plaintiff, and the amount of the deposit shall (unless the Court otherwise directs) be paid to the plaintiff on his application.

Interest on deposit not allowed to plaintiff after notice. [S. 378.]

3. No interest shall be allowed to the plaintiff on any sum deposited by the defendant from the date of the receipt of such notice, whether the sum deposited is in full of the claim or falls short thereof.

Procedure where plaintiff accepts deposit as satisfaction in part. [S. 7]

4. (*1*) *Where* the plaintiff accepts such amount as satisfaction in part only of his claim, he may prosecute his suit for the balance; and, if the Court decides that the deposit by the defendant was a full satisfaction of the plaintiff's claim, the plaintiff *shall* pay the costs of the suit incurred after the deposit and the costs incurred previous thereto, so far as they were caused by excess in the plaintiff's claim.

Procedure where he accepts it as satisfaction in full.

(2) *Where* the plaintiff accepts such amount as satisfaction in full of his claim, he shall present to the Court a statement to that effect, and such statement shall be filed and the Court shall *pronounce* judgment accordingly; and, in directing by whom the costs of each party are to be paid, the Court shall consider which of the parties is most to blame for the litigation.

Illustrations.

(*a*) A owes B Rs. 100. B sues A for the amount, having made no demand for payment and having no reason to believe that the delay caused by making a demand would place him at a disadvantage. On the plaint being filed, A pays the money into Court. B accepts it in full satisfaction of his claim, but the Court should not allow him any costs, the litigation being presumably groundless on his part.

(*b*) B sues A under the circumstances mentioned in illustration (*a*). On the plaint being filed, A disputes the claim. Afterwards A pays the money into Court. B accepts it in full satisfaction of his claim. The Court should also give B his costs of suit, A's conduct having shown that the litigation was necessary.

(*c*) A owes B Rs. 100, and is willing to pay him that sum without suit. B claims Rs. 150 and sues A for that amount. On the plaint being filed A pays Rs. 100 into Court and disputes only his liability to pay the remaining Rs. 50. B accepts the Rs. 100 in full satisfaction of his claim. The Court should order him to pay A's costs.

The Code of Civil Procedure Bill.
(The First Schedule.)
(Orders XXV, XXVI.)

ORDER XXV.

Security for Costs.

[S. 380.] 1. (*1*) *Where*, at the institution or at any subsequent stage of a suit, it appears to the Court that a sole plaintiff is, or (when there are more plaintiffs than one) that all the plaintiffs are, residing out of British India, and that such plaintiff does not, or that no one of such plaintiffs does, possess any sufficient immoveable property within British India *other than the* property in suit, the Court may, either of its own motion or on the application of any defendant, order the plaintiff or plaintiffs, within a time fixed by *it*, to give security for the payment of all costs incurred and likely to be incurred by any defendant.

When security for costs may be required from plaintiff at any stage of suit.

[S. 382.] (*2*) Whoever leaves British India under such circumstances as to afford reasonable probability that he will not be forthcoming whenever he may be called upon to pay costs shall be deemed to be residing out of British India within the meaning of *sub-rule (1)*.

Residence out of British India.

(*3*) On the application of any defendant in a suit for *the payment of* money, in which the plaintiff is a woman, the Court may at any stage of the suit make a like order if it is satisfied that such plaintiff does not possess any sufficient immoveable property within British India.

[S. 381.] 2. (*1*) In the event of such security not being furnished within the time fixed *under rule 1*, the Court shall *make an order* dismiss*ing* the suit unless the plaintiff or plaintiffs be permitted to withdraw therefrom under the provisions of *rule 1* of *Order XXIII*.

Effect of failure to furnish security.

(*2*) Where a suit is dismissed under this *rule*, the plaintiff may apply for an order to set the dismissal aside, and, if it is proved to the satisfaction of the Court that he was prevented by any sufficient cause from furnishing the security within the time allowed, the Court shall set aside the dismissal upon such terms as to security, costs or otherwise as it thinks fit, and shall appoint a day for proceeding with the suit.

(*3*) The dismissal shall not be set aside unless notice of *such* application has *been* served *on* the defendant.

ORDER XXVI.

Commissions.

Commissions to examine witnesses.

[S. 383.] 1. Any Court may in any suit issue *a* commission for the examination on interrogatories or otherwise of *any person* resident within the local limits of its jurisdiction who *is* exempted under this Code from attending the Court or who *is* from sickness or infirmity unable to attend it.

Cases in which Court may issue commission to examine witness.

[S. 384.] 2. *An* order *for the issue of a commission for the examination of a witness* may be made by the Court either of its own motion or on the application, supported by affidavit or otherwise, of any party to the suit or of the witness to be examined.

Order for commission.

[S. 385.] 3. *A* commission for the examination of a person who resides within the local limits of the jurisdiction of the Court issuing the same may be issued to any person whom the Court thinks fit to execute *it*.

When witness resides within Court's jurisdiction.

[S. 386.] 4. (*1*) Any Court may in any suit issue a commission for the examination of—

Persons for whose examination commission may issue.

(*a*) any person resident beyond the local limits of its jurisdiction;

(*b*) *any* person who *is* about to leave such limits before the date on which *he is* required to be examined in Court; and

(*c*) *any* civil *or* military officer of *the* Government who cannot, in the opinion of the *Court* attend without detriment to the public service.

(*2*) Such commission may be issued to any Court, not being a High Court, within the local limits of whose jurisdiction such person resides, or to any pleader or other person whom the Court issuing the commission may appoint.

(*3*) The Court on issuing any commission under this *rule* shall direct whether the commission shall be returned to itself or to any subordinate Court.

5. *Where* any Court to which application is made for the issue of a commission for the examination of a person residing at any place not within British India is satisfied that *the* evidence *of such person* is necessary, the Court may issue such commission *or a letter of request*. [S. 387.] [Cl. O. 36, r. 6a, and App. H, Form No. 2]

Commission to examine witness not within British India.

6. Every Court receiving a commission for the examination of any person shall examine him *or cause him to be examined* pursuant thereto. [S. 388.]

Court to examine witness pursuant to commission.

7. *Where a* commission has been duly executed, it shall be returned, together with the evidence taken under it, to the Court from which it *was* issued, unless the order for issuing the commission has otherwise directed, in which case the commission shall be returned in terms of such order; and the commission and the return thereto and the evidence taken under it shall (subject to the provisions of the next following *rule*) form part of the record of the suit. [S. 389.]

Return of commission with depositions of witnesses.

8. Evidence taken under a commission shall not be read as evidence in the suit without the consent of the party against whom the same is offered, unless— [S. 390.]

When depositions may be read in evidence.

(*a*) the person who gave the evidence is beyond the jurisdiction of the Court, or dead or unable from sickness or infirmity to attend to be personally examined, or exempted from personal appearance in Court, *or is a civil or military officer of the Government who cannot, in the opinion of the Court, attend without detriment to the public service,* or

(*b*) the Court in its discretion dispenses with the proof of any of the circumstances mentioned in *clause* (*a*), and authorizes the evidence of any person being read as evidence in the suit, notwithstanding proof that the cause for taking such evidence by commission has ceased at the time of reading the same.

Commissions for local investigations.

9. In any suit in which the Court deems a local investigation to be requisite or proper for the purpose of elucidating any matter in dispute, or of ascertaining the market-value of any property, or the amount of any mesne profits or damages or annual net profits, the Court may issue a commission to such person as it thinks fit directing him to make such investigation and to report thereon to the Court: [S. 392.]

Commissions to make local investigations.

Provided that, *where* the Local Government has made rules as to the persons to whom such commission shall be issued, the Court shall be bound by such rules.

10. (*1*) The Commissioner, after such local inspection as he deems necessary and after reducing to writing the evidence taken by him, shall return such evidence, together with his report in writing signed *by him*, to the Court. [S. 393.]

Procedure of Commissioner.

The Code of Civil Procedure Bill.

(*The First Schedule.*)

(*Orders XXVI, XXVII.*)

Report and depositions to be evidence in suit.

(2) The report of the Commissioner and the evidence taken by him (but not the evidence without the report) shall be evidence in the suit and shall form part of the record; but the Court or, with the permission of the Court, any of the parties to the suit may examine the Commissioner personally in open Court touching any of the matters referred to him or mentioned in his report, or as to his report, or as to the manner in which he has made the investigation.

Commissioner may be examined in person.

(3) *Where the Court is for any reason dissatisfied with the proceedings of the Commissioner, it may direct such further inquiry to be made as it shall think fit.*

Commission to examine accounts.

[S. 394.]

Commission to examine or adjust accounts.

11. In any suit in which an examination or adjustment of accounts is necessary, the Court may issue a commission to such person as it thinks fit directing him to make such examination or adjustment.

[S. 395.]

Court to give Commissioner necessary instructions.

12. (1) The Court shall furnish the Commissioner with such part of the proceedings and such instructions as appear necessary, and the instructions shall distinctly specify whether the Commissioner is merely to transmit the proceedings which he may hold on the inquiry, or also to report his own opinion on the point referred for his examination.

Court to receive Commissioner's proceeding or direct further enquiry.

(2) The proceedings *and report* (*if any*) of the Commissioner shall be received in evidence in the suit, unless the Court has reason to be dissatisfied with them, in which case the Court shall direct such further inquiry as *it shall think fit.*

Commissions to make partitions.

[S. 396.]

Commission to make partition of non-revenue-paying immoveable property.

13. *Where a preliminary decree for partition has been passed,* the Court may, *in any case not provided for by section 54,* issue a commission to such person as it thinks fit to make *the* partition *or separation* according to the rights *as declared in such decree.*

[S. 396, second and third paras.]

Procedure of Commissioners.

14. (1) The Commissioner shall, *after such inquiry as may be necessary, divide* the property into as many shares as may be directed by the order under which the commission *was issued,* and shall allot such shares to the parties, and may, if authorized thereto by the said order, award sums to be paid for the purpose of equalizing the value of the shares.

(2) The Commissioner shall then prepare and sign a report or (*where the commission was issued to more than one person and* they cannot agree) separate reports appointing the share of each party and distinguishing each share (if so directed by the said order) by metes and bounds. Such report or reports shall be annexed to the Commission and transmitted to the Court; and the Court, after hearing any objections which the parties may make to the report or reports, shall *confirm, vary or set aside the same.*

(3) *Where the Court confirms or varies the report or reports it shall pass a decree in accordance with the same as confirmed or varied; but where the Court sets aside the report or reports it shall either issue a new commission or make such other order as it shall think fit.*

General provisions.

[S. 397.]

Expenses of commission to be paid into Court.

15. Before issuing any commission under this *Order,* the Court may order such sum (if any) as it thinks reasonable for the expenses of the commission to be, within a time to be fixed, paid into Court by the party at whose instance or for whose benefit the commission is issued.

[S. 398.]

Powers of Commissioners.

16. Any Commissioner appointed under this *Order* may, unless otherwise directed by the order of appointment,—

(*a*) examine the parties themselves and any witness whom they or any of them may produce, and any other person whom the Commissioner thinks proper to call upon to give evidence in the matter referred to him;

(*b*) call for and examine documents and other things relevant to the subject of inquiry;

(*c*) at any reasonable time enter upon or into any land or building mentioned in the order.

[S. 399.]

Attendance, examination and punishment of witnesses before Commissioner.

17. (1) The provisions of this Code relating to the summoning, attendance and examination of witnesses, and to the remuneration of, and penalties to be imposed upon, witnesses, shall apply to persons required to give evidence or to produce documents under this *Order* whether the commission in execution of which they are so required has been issued by a Court situate within or by a Court situate beyond the limits of British India, *and* for the purposes of this *rule* the Commissioner shall be *deemed to be* a Civil Court.

(2) *A Commissioner may apply to any Court (not being a High Court) within the local limits of whose jurisdiction a witness resides for the issue of any process which he may find it necessary to issue to or against such witness, and such Court may, in its discretion, issue such process as it considers reasonable and proper.*

[S. 400.]

Parties to appear before Commissioner.

18. (1) *Where* a commission is issued under this *Order,* the Court shall direct that the parties to the suit shall appear before the Commissioner in person or by their agents or pleaders.

(2) *Where all or any of* the parties do not so appear, the Commissioner may proceed *in their absence.*

ORDER XXVII.

Suits by or against the Government or Public Officers in their official capacity.

[New.]

Suits by or against Secretary of State in Council.

1. *In any suit by or against the Secretary of State in Council, the plaint or written statement, as the case may be, shall be signed by such person as the Government may, by general or special order, appoint in this behalf, and shall be verified by any person whom the Government may so appoint and who is acquainted with the facts of the case.*

[S. 417.]

Persons authorized to act for Government.

2. Persons being *ex officio* or otherwise authorized to act for *the Government* in respect of any judicial proceeding shall be deemed to be the recognized agents by whom appearances, acts and applications under this *Code* may be made or done on behalf of *the* Government.

[S. 418.]

Plaints in suits by *or against* Secretary of State in Council.

3. In suits by *or against* the Secretary of State for India in Council, instead of inserting in the plaint the name and description and place of *residence* of the plaintiff *or defendant,* it shall be sufficient to insert the words "The Secretary of State for India in Council."

[S. 419.]

Agent for Government to receive process.

4. The Government pleader in any Court, or such other person as the Local Government may for any Court appoint in this behalf, shall be the agent of the Government for the purpose of receiving processes against the Secretary of State *for India* in Council *issued by* such Court.

[S. 420.]

Fixing of day for appearance on behalf of Secretary of State in Council.

5. The Court, in fixing the day for the Secretary of State *for India* in Council to answer to the plaint, shall allow a reasonable time for the necessary communication with the Government through the proper channel, and for the issue of instructions to the Government pleader to appear and answer on behalf of the said Secretary of State in Council or the Government, and may extend the time at its discretion.

The Code of Civil Procedure Bill.

(*The First Schedule.*)

(*Orders XXVII—XXX.*)

Attendance of person able to answer questions relating to suit against Government.

[S. 421.] 6. The Court may also, in any case in which the Government pleader is not accompanied by any person on the part of the Secretary of State *for India* in Council, who may be able to answer any material questions relating to the suit, direct the attendance of such a person.

Extension of time to enable public officer to make reference to Government.

[423.] 7. *Where* the defendant is a public officer *and*, on receiving the summons, considers it proper to make a reference to the Government before answering to the plaint, he may apply to the Court to grant such extension of the time fixed in the summons as may be necessary to enable him to make such reference and to receive orders thereon through the proper channel.

(2) Upon such application the Court shall extend the time for so long as appears to it to be *necessary*.

Procedure in suits against public officer.

[S. 426.] 8. (*1*) *Where* the Government undertakes the defence of a suit against a public officer, the Government pleader, upon being furnished with authority to appear and answer to the plaint, shall apply to the Court, and upon such application the Court shall cause a note of his authority to be entered in the register *of civil suits*.

[S. 427.] (2) *Where no* application *under sub-rule* (*1*) is made by the Government pleader on or before the day fixed in the notice for the defendant to appear and answer, the case shall proceed as in a suit between private parties:

Provided that the defendant shall not be liable to arrest, nor his property to attachment, otherwise than in execution of a decree.

ORDER XXVIII.

Suits by and against Military Men.

Officers or soldiers who cannot obtain leave may authorize any person to sue or defend for them.

[S. 465.] 1. (*1*) *Where* any officer or soldier actually serving the Government in a military capacity is a party to a suit, and cannot obtain leave of absence for the purpose of prosecuting or defending the suit in person, he may authorize any person to sue or defend in his stead.

(2) The authority shall be in writing and shall be signed by the officer or soldier in the presence of (*a*) his commanding officer, or the next subordinate officer, if the party *is* himself the commanding officer, or (*b*) where the officer or soldier is serving in military staff employment, the head or other superior officer of the office in which he is employed. Such commanding or other officer shall countersign the authority, which shall be filed in Court.

(3) When so filed the countersignature shall be sufficient proof that the authority was duly executed, and that the officer or soldier by whom it was granted could not obtain leave of absence for the purpose of prosecuting or defending the suit in person.

Explanation.—In this *Order* the expression "commanding officer" means the officer in actual command for the time being of any regiment, corps, detachment or depôt to which the officer or soldier belongs.

Person so authorized may act personally or appoint pleader.

[S. 466.] 2. Any person authorized by an officer or a soldier to prosecute or defend a suit in his stead may prosecute or defend it in person in the same manner as the officer or soldier could do if present; or he may appoint a pleader to prosecute or defend the suit on behalf of such officer or soldier.

Service on person so authorized, or on his pleader, to be good service.

[S. 467.] 3. Processes served upon any person authorized by an officer or a soldier *under rule 1* or upon any pleader appointed as aforesaid by such person shall be as effectual as if they had been served on the party in person or on his pleader.

ORDER XXIX.

Suits by and against Corporations.

Subscription and verification of pleading.

[S. 435.] 1. In suits by *or against* a corporation, *any pleading* may be *signed* and verified on behalf of the corporation by the secretary or by any director or other principal officer of the corporation who is able to depose to the facts of the case.

Service on corporation.

2. *Subject to any statutory provision regulating service of process,* where the suit is against a corporation, the summons may be served— [S.

(*a*) on the secretary, or on any director, or other principal officer of the corporation, or

(*b*) by leaving it or sending it by post addressed to the corporation *at the registered office* (*if any*), *or if there is no registered office then at the place where the corporation carries on business.*

Power to require personal attendance of officer of corporation.

3. *The Court may, at any stage of the suit,* require the personal appearance of the secretary or *of* any director, or other principal officer of the corporation who may be able to answer material questions relating to the suit. [S.

ORDER XXX.

Suits by or against Firms and Persons carrying on business in names other than their own.

Suing of partners in name of firm.

1. (1) Any two or more persons claiming or being liable as partners and carrying on business in British India may sue or be sued in the name of the firm (if any) of which such persons were partners at the time of the accruing of the cause of action, and any party to a suit may in such case apply to the Court for a statement of the names and addresses of the persons who were, at the time of the accruing of the cause of action, partners in such firm, to be furnished and verified in such manner as the Court may direct. [Cf. O. ...]

(2) Where persons sue or are sued as partners in the name of their firm under sub-rule (1), it shall, in the case of any pleading or other document required by or under this Code to be signed, verified or certified by the plaintiff or the defendant, suffice if such pleading or other document is signed, verified or certified by any one of such persons.

Disclosure of partners' names.

2. (1) Where a suit is instituted by partners in the name of their firm, the plaintiffs or their pleader shall, on demand in writing by or on behalf of any defendant, forthwith declare in writing the names and places of residence of all the persons constituting the firm on whose behalf the suit is instituted. [Ibid. ...]

(2) Where the plaintiffs or their pleader fail to comply with any demand made under sub-rule (1), all proceedings in the suit may, upon an application for that purpose, be stayed upon such terms as the Court may direct.

(3) Where the names of the partners are declared in the manner referred to in sub-rule (1), the suit shall proceed in the same manner, and the same consequences in all respects shall follow, as if they had been named as plaintiffs in the plaint:

Provided that all the proceedings shall nevertheless continue in the name of the firm.

Service.

3. Where persons are sued as partners in the name of their firm, the summons shall be served either— [Ibid. ...]

(a) upon any one or more of the partners, or

(b) at the principal place at which the partnership business is carried on within British India upon any person having, at the time of service, the control or management of the partnership business there,

as the Court may direct; and such service shall be deemed good service on the firm so sued, whether all or any of the partners are within or without British India:

Provided that, in the case of a partnership which has been dissolved to the knowledge of the plaintiff before the institution of the suit, the summons shall be served upon every person within British India whom it is sought to make liable.

The Code of Civil Procedure Bill.

(*The First Schedule.*)

(*Orders XXX XXXI, XXXII*)

[New.]

Right of suit on death of partner. IX of 1872.

4. (*1*) *Notwithstanding anything contained in section 45 of the Indian Contract Act, 1872, where two or more persons may sue or be sued in the name of a firm under the foregoing provisions and any of such persons dies, whether before the institution or during the pendency of any suit, it shall not be necessary to join the legal representative of the deceased as a party to the suit.*

(*2*) *Nothing in sub-rule* (*1*) *shall limit or otherwise affect any right which the legal representative of the deceased may have—*

(*a*) *to apply to be made a party to the suit, or*

(*b*) *to enforce any claim against the survivor or survivors.*

[Cf. O. 48A, r. 4.]

Notice in what capacity served.

5. *Where a summons is issued to a firm and is served in the manner provided by rule 3, every person upon whom it is served shall be informed by notice in writing given at the time of such service, whether he is served as a partner or as a person having the control or management of the partnership business, or in both characters, and, in default of such notice, the person served shall be deemed to be served as a partner.*

[Ibid., r. 5.]

Appearance of partners.

6. *Where persons are sued as partners in the name of their firm, they shall appear individually in their own names, but all subsequent proceedings shall, nevertheless, continue in the name of the firm.*

[Ibid., r. 6.]

No appearance except by partners.

7. *Where a summons is served in the manner provided by rule 3 upon a person having the control or management of the partnership business, no appearance by him shall be necessary unless he is a partner of the firm sued.*

[Ibid., r. 7.]

Appearance under protest.

8. *Any person served with process as a partner under rule 3 may appear under protest, denying that he is a partner, but such appearance shall not preclude the plaintiff from otherwise serving process on the firm and obtaining a decree against the firm in default of appearance where no partner has appeared.*

[Ibid., r. 8.]

Execution of decree against firm.

9. (*1*) *Where a decree has been passed against a firm, execution may be granted—*

(*a*) *against any property of the partnership ;*

(*b*) *against any person who has appeared in his own name under rule 6 or rule 7, or who has admitted on the pleadings that he is, or who has been adjudged to be, a partner ;*

(*c*) *against any person who has been individually served, as a partner, with the summons and has failed to appear :*

IX of 1872.

Provided that nothing in this sub-rule shall be deemed to limit or otherwise affect the provisions of the Indian Contract Act, 1872, section 247.

(*2*) *Where the decree-holder claims to be entitled to cause the decree to be executed against any person other than such a person as is referred to in sub-rule* (*1*), *clauses* (*b*) *and* (*c*), *as being a partner in the firm, he may apply to the Court which passed the decree for leave, and, where the liability is not disputed, such Court may grant such leave or, where such liability is disputed, may order that the liability of such person be tried and determined in any manner in which any issue in a suit may be tried and determined.*

(*3*) *Where the liability of any person has been tried and determined under sub-rule* (*2*), *the order made thereon shall have the same force and be subject to the same conditions as to appeal or otherwise as if it were a decree.*

(*4*) *Save as against any property of the partnership, a decree against a firm shall not release, render liable or otherwise affect, any partner therein, unless he has been served with a summons to appear and answer.*

[Ibid., r. 10.]

Suits between co-partners.

10. *This Order shall apply to suits between a firm and one or more of the partners therein and to suits between firms having one or more partners in common ; but no execution shall be issued in such suits except by leave of the Court, and, on an application for leave to issue such execution, all such accounts and inquiries may be directed to be taken and made and*

[Ibid., r. 11.]

Suit against person carrying on business in name other than his own.

11. *Any person carrying on business in a name or style other than his own may be sued in such name or style as if it were a firm name ; and, so far as the nature of the case will permit, all rules under this Order shall apply.*

ORDER XXXI.

Suits by and against Trustees, Executors and Administrators.

[S. 437.]

Representation of beneficiaries in suits concerning property vested in trustees, etc.

1. In all suits concerning property vested in a trustee, executor or administrator, *where* the contention is between the persons beneficially interested in such property and a third person, the trustee, executor or administrator shall represent the persons so interested, and it shall not ordinarily be necessary to make them parties to the suit. But the Court may, if it thinks fit, order them or any of them to be made parties.

[S. 438.]

Joinder of trustees, executors and administrators.

2. *Where* there are several *trustees*, executors or administrators, they shall all be made parties to a suit against one or more of them :

Provided that the executors who have not proved their testator's will, and *trustees*, executors and administrators *outside British India*, need not be made parties.

[S. 439.]

Husband of married executrix not to join.

3. Unless the Court directs otherwise, the husband of a married *trustee*, administratrix or executrix shall not *as such* be a party to a suit by or against her.

ORDER XXXII.

Suits by and against Minors and Persons of Unsound Mind.

[S. 440.]

Minor to sue by next friend.

1. Every suit by a minor shall be instituted in his name by a person who in such suit shall be called the next friend of the minor.

[S. 441.]

Where suit is instituted without next friend, plaint to be taken off the file.

2. (*1*) Where a suit is instituted by or on behalf of a minor without a next friend, the defendant may apply to have the plaint taken off the file, with costs to be paid by the pleader or other person by whom it was presented.

(*2*) Notice of such application shall be given to such person, and the Court, after hearing his objections (if any), may make such order in the matter as it thinks fit.

[S. 443.]

Guardian for the suit to be appointed by Court for minor defendant.

3. (*1*) Where the defendant is a minor, the Court, on being satisfied of the fact of his minority, shall appoint a proper person to be guardian for the suit for such minor.

[S. 456.]

(*2*) An order for the appointment of a guardian for the suit may be obtained upon application in the name and on behalf of the minor or by the plaintiff.

(*3*) Such application shall be supported by an affidavit verifying the fact that the proposed guardian has no interest in the matters in controversy in the suit adverse to that of the minor and that he is a fit person to be so appointed.

[New.]

(*4*) *No order shall be made on any application under this rule except upon notice to the minor and to any guardian of the minor appointed or declared by an authority competent in that behalf, or, where there is no such guardian, upon notice to the father or other natural guardian of the minor, or, where there is no father or other natural guardian, to the person in whose care the minor is, and after hearing any objections which may be urged on behalf of any person served with notice under this sub-rule.*

[S. 445.]

Who may act as next friend or be appointed guardian for the suit.

4 (1) Any person who is of sound mind and has attained majority may act as next friend of a minor or as his guardian for the suit :

Provided that the interest of such person is not adverse to that of the minor and that he is not, in the case of a next friend, a defendant, or, in the case of a guardian for the suit, a plaintiff.

[Ss. 440, 443.]

(*2*) Where a minor has a guardian appointed or declared by competent authority, no person other than such guardian shall act as the next friend of the minor or be appointed his guardian for the suit unless the Court considers, for reasons to be recorded, that it is for the minor's welfare that another person be permitted to act

The Code of Civil Procedure Bill.

(*The First Schedule.*)

(*Orders XXXII, XXXIII.*)

[New.] (3) *No person shall without his consent be appointed guardian for the suit.*

[S. 456. Cf. O. 65, r. 13.] (4) Where there is no other person fit and willing to act as guardian for the suit, the Court may appoint any of its officers to be such guardian, *and may direct that the costs to be incurred by such officer in the performance of his duties as such guardian shall be borne either by the parties or by any one or more of the parties to the suit, or out of any fund in Court in which the minor is interested, and may give directions for the repayment or allowance of such costs as justice and the circumstances of the case may require.*

[S. 441.] *Representation of minor by next friend or guardian for the suit.* 5. (1) Every application to the Court on behalf of a minor, other than an application under rule 10, sub-rule (2), shall be made by his next friend or by his guardian for the suit.

[S. 444.] (2) Every order made in a suit or on any application, before the Court in or by which a minor is in any way concerned or affected, without such minor being represented by a next friend or guardian for the suit, as the case may be, may be discharged, and, where the pleader of the party at whose instance such order was obtained knew, or might reasonably have known, the fact of such minority, with costs to be paid by such pleader.

[S. 461.] *Receipt by next friend or guardian for the suit of property under decree for minor.* 6. (1) A next friend or guardian for the suit shall not, without the leave of the Court, receive any money or other moveable property on behalf of a minor either—

(*a*) by way of compromise before decree or order, or

(*b*) under a decree or order in favour of the minor.

(2) Where the next friend or guardian for the suit has not been appointed or declared by competent authority to be guardian of the property of the minor, or, having been so appointed or declared, is under any disability known to the Court to receive the money or other moveable property, the Court shall, if it grants him leave to receive the property, require such security and give such directions as will, in its opinion, sufficiently protect the property from waste and ensure its proper application.

[S. 482.] *Agreement or compromise by next friend or guardian for the suit.* 7. (1) No next friend or guardian for the suit shall, without the leave of the Court, expressly recorded in the proceedings, enter into any agreement or compromise on behalf of a minor with reference to the suit in which he acts as next friend or guardian.

(2) Any such agreement or compromise entered into without the leave of the Court so recorded shall be voidable against all parties other than the minor.

[S. 447.] *Retirement of next friend.* 8. (1) Unless otherwise ordered by the Court, a next friend shall not retire without first procuring a fit person to be put in his place and giving security for the costs already incurred.

(2) The application for the appointment of a new next friend shall be supported by an affidavit showing the fitness of the person proposed, and also that he has no interest adverse to that of the minor.

[S. 446.] *Removal of next friend.* 9. (1) Where the interest of the next friend of a minor is adverse to that of the minor or where he is so connected with a defendant whose interest is adverse to that of the minor as to make it unlikely that the minor's interest will be properly protected by him, or where he does not do his duty, or, during the pendency of the suit, ceases to reside within British India, or for any other sufficient cause, application may be made on behalf of the minor or by a defendant for his removal; and the Court, if satisfied of the sufficiency of the cause assigned, may order the next friend to be removed accordingly, *and make such other order as to costs as it thinks fit.*

(2) Where the next friend is not a guardian appointed or declared by an authority competent in this behalf, and an application is made by a guardian so appointed or declared, who desires to be himself appointed in the place of the next friend, the Court shall remove the next friend unless it considers, for reasons to be recorded by it, that the guardian ought not to be appointed the next friend of the minor, *and shall thereupon appoint the applicant to be next friend in his place upon such terms as to the costs already incurred in the suit as it thinks fit.*

[S. 448.] *Stay of proceedings on removal, etc., of next friend.* 10. (1) On the retirement, removal or death of the next friend of a minor, further proceedings shall be stayed until the appointment of a next friend in his place.

[S. 440] (2) Where the pleader of such minor omits, within a reasonable time, to take steps to get a new next friend appointed, any person interested in the minor or in the matter in issue may apply to the Court for the appointment of one, and the Court may appoint such person as it thinks fit.

[S. 448] *Retirement, removal or death of guardian for the suit.* 11. (1) Where the guardian for the suit desires to retire or does not do his duty, or where other sufficient ground is made to appear, the Court may permit such guardian to retire or may remove him, and may *make such order as to costs as it thinks fit.*

[S. 449] (2) Where the guardian for the suit retires, dies or is removed by the Court during the pendency of the suit, the Court shall appoint a new guardian in his place.

[S. 450] *Course to be followed by minor plaintiff or applicant on attaining majority.* 12. (1) A minor plaintiff or a minor not a party to a suit on whose behalf an application is pending shall, on attaining majority, elect whether he will proceed with the suit or application.

[S. 451] (2) Where he elects to proceed with the suit or application, he shall apply for an order discharging the next friend and for leave to proceed in his own name.

(3) The title of the suit or application shall in such case be corrected so as to read thenceforth thus:—

"A, B, late a minor, by C. D., his next friend, but now having attained majority."

[S. 452] (4) Where he elects to abandon the suit or application, he shall, if a sole plaintiff or sole applicant, apply for an order to dismiss the suit or application on repayment of the costs incurred by the defendant or opposite party or which may have been paid by his next friend.

[S. 453] (5) Any application under this rule may be made *ex parte*: but no order discharging a next friend and permitting a minor plaintiff to proceed in his own name shall be made without notice to the next friend.

[S. 454] *Where minor co-plaintiff attaining majority desires to repudiate suit.* 13. (1) Where a minor co-plaintiff on attaining majority desires to repudiate the suit, he shall apply to have his name struck out as co-plaintiff; and the Court, if it finds that he is not a necessary party, shall dismiss him from the suit on such terms as to costs or otherwise as it thinks fit.

(2) Notice of the application shall be served on the next friend, on any co-plaintiff and on the defendant.

(3) The costs of all parties of such application, and of all or any proceedings theretofore had in the suit, shall be *paid* by such persons as the Court directs.

(4) *Where the applicant is a necessary party to the suit, the Court may direct him to be made a defendant.*

[S. 455] *Unreasonable or improper suit.* 14. (1) A minor on attaining majority may, if a sole plaintiff, apply that a suit instituted in his name by a next friend be dismissed on the ground that it was unreasonable or improper.

(2) Notice of the application shall be served on all the parties concerned; and the Court, upon being satisfied of such unreasonableness or impropriety, may grant the application and order the next friend to pay the costs of all parties in respect of the application and of anything done in the suit, or make such other order as it thinks fit.

[Ss. 463, 464] *Application of rules to persons of unsound mind.* 15. The provisions contained in rules *1 to 14*, so far as they are applicable, shall extend to persons adjudged to be of unsound mind and to persons who though not so adjudged are found by the Court on inquiry, by reason of unsoundness of mind *or mental infirmity*, to be incapable *of* protecting their interests when suing or being sued.

[S. 464] *Saving for Princes and Chiefs.* 16. Nothing in *this Order* shall apply to a Sovereign Prince or Ruling Chief suing or being sued in the name of his State, or being sued by direction of the Governor General in Council or a Local Government, in the name of an agent or in any other name, or shall be construed to affect or in any way derogate from the provisions of any local law for the time being in force relating to suits by or against minors or by or against lunatics or other persons of unsound mind.

ORDER XXXIII.

Suits by Paupers.

[S. 401.] *Suits may be instituted in formâ pauperis.* 1. Subject to the following *provisions*, any suit may be

The Code of Civil Procedure Bill.
(The First Schedule.)
(Order XXXIII.)

Explanation.—A person is a "pauper" when he is not possessed of sufficient means to enable him to pay the fee prescribed by law for the plaint in such suit, or, where no such fee is prescribed, when he is not entitled to property worth one hundred rupees other than his necessary wearing-apparel and the subject-matter of the suit.

[S. 403.] 2. *Every* application for permission to sue *as* a pauper shall contain the particulars required in regard to plaints in suits: a schedule of any moveable or immoveable property belonging to the *applicant*, with the estimated value thereof, shall be annexed thereto; and it shall be signed and verified in the manner prescribed for the signing and verification of *pleadings*.

Contents of application.

[S. 404.] 3. Notwithstanding anything contained in *these rules*, the application shall be presented to the Court by the applicant in person, unless he is exempted from appearing in Court, in which case the application may be presented by *an* authorized agent who can answer all material questions relating to the application, and who may be examined in the same manner as the party represented by him might have been examined had such party attended in person.

Presentation of application.

[S. 406.] 4. (*1*) *Where* the application *is* in proper form and duly presented, the *Court* may, if *it* thinks fit, examine the *applicant*, or his agent when the applicant is allowed to appear by agent, regarding the merits of the claim and the property of the applicant.

Examination of applicant.

(*2*) *Where* the application is presented by an agent, the Court may, if it thinks fit, order that the applicant be examined by a commission in the manner in which the examination of an absent witness may be taken.

If presented by agent Court may order applicant to be examined by commission.

[S. 407.] 5. The Court shall reject *an* application *for permission to sue as a pauper*—

Rejection of application.

[S. 405.] (*a*) *where it is not framed and presented in the manner prescribed by rules 2 and 3, or*

(*b*) *where* the applicant is not a pauper, or

(*c*) *where* he has, within two months next before the presentation of the application, disposed of any property fraudulently or *in order to be able to apply for permission to sue as a pauper*, or

(*d*) *where* his allegations do not show *a cause of action, or*

(*e*) *where* he has entered into any agreement with reference to the subject-matter of the proposed suit under which any other person has obtained an interest in such subject-matter.

[S. 408.] 6. *Where* the Court sees no reason to *reject* the application on any of the grounds stated in rule 5, it shall fix a day (of which at least ten days' *clear* notice shall be given to the opposite party and the Government pleader) for receiving such evidence as the applicant may adduce in proof of his pauperism, and for hearing any evidence which may be adduced in disproof thereof.

Notice of day for receiving evidence of applicant's pauperism.

[S. 409.] 7. (*1*) On the day so fixed or as soon thereafter as may be convenient, the Court shall examine the witnesses (if any) produced by either party, and may examine the applicant or his agent, and shall make a memorandum of the substance of their evidence.

Procedure at hearing.

(*2*) The Court shall also hear any argument which the parties may desire to offer on the question whether, on the face of the application and of the evidence (if any) taken by the Court as herein provided, the applicant is or is not subject to any of the prohibitions specified in rule 5.

(*3*) The Court shall then either allow or refuse to allow the applicant to sue as a pauper.

8. *Where* the application *is* granted, it shall be numbered and registered, and shall be deemed the plaint in the suit, and the suit shall proceed in all other respects as a suit instituted *in the ordinary manner, except that the plaintiff shall not be liable to pay any court-fee (other than fees payable for service of process) in respect of any petition, appointment of a pleader or other proceeding connected with the suit.* [S. 410.]

Procedure if application admitted.

9. The Court may, on *the application of* the defendant, or *of* the Government pleader, of which *seven days' clear* notice in writing has been given to the plaintiff, order the plaintiff to be dispaupered— [S. 414.]

Dispaupering.

(*a*) if he is guilty of vexatious or improper conduct in the course of the suit;

(*b*) if it appears that his means are such that he ought not to continue to sue as a pauper; or

(*c*) if he has entered into any agreement with reference to the subject-matter of the suit, under which any other person has obtained an interest in such subject-matter.

10. *Where* the plaintiff succeeds in the suit, the Court shall calculate the amount of court-fees which would have been paid by the plaintiff if he had not been permitted to sue as a pauper; such amount shall be recoverable by the Government from any party ordered by the decree to pay the same, and shall be a first charge on the subject-matter of the suit. [S. 411.]

Costs when pauper succeeds.

Recovery of court-fees.

11. *Where* the plaintiff fails in the suit or is dispaupered, or *where* the suit is *withdrawn or* dismissed,— [S. 412.]

Procedure when pauper fails.

(*a*) *because the summons for the defendant to appear and answer has not been served upon him in consequence of the failure of the plaintiff to pay the court-fee or postal charges (if any) chargeable or payable for such service, or*

(*b*) *because the plaintiff does not appear when the suit is called on for hearing,*

the Court shall order the plaintiff, or any person *added as a* co-plaintiff to the suit, to pay the court-fees which would have been paid by the plaintiff if he had not been permitted to sue as a pauper.

12. *The Government shall have the right at any time to apply to the Court to make an order for the payment of court-fees under rule 10 or rule 11.* [New.]

Government may apply for payment of court-fees.

13. *All matters arising between the Government and any party to the suit under rule 10, rule 11 or rule 12 shall be deemed to be questions arising between the parties to the suit within the meaning of section 47.* [New.]

Government to be deemed a party.

14. *Where an order is made under rule 10, rule 11 or rule 12, the Court shall forthwith cause a copy of the decree to be forwarded to the Collector.* [New.]

Copy of decree to be sent to Collector.

15. An order refusing to allow the applicant to sue as a pauper shall be a bar to any subsequent application of the like nature by him in respect of the same right to sue; but the applicant shall be at liberty to institute a suit in the ordinary manner in respect of such right, provided that he first pays the costs (if any) incurred by *the* Government *or by the opposite party* in opposing his application for leave to sue as a pauper. [S. 413.]

Refusal to allow applicant to sue as pauper to bar subsequent application of like nature.

16. The costs of an application for permission to sue as a pauper and of an inquiry into pauperism *shall be* costs in the suit. [S. 415.]

Costs.

The Code of Civil Procedure Bill.
(The First Schedule.)
(Order XXXIV.)

ORDER XXXIV.

Suits relating to Mortgages of Immoveable Property.

[IV, 1882, s. 85.]

Parties to suits for foreclosure, sale and redemption.

1. *Subject to the provisions of this Code, all persons having an interest either in the mortgage-security or in the right of redemption shall be joined as parties to any suit relating to the mortgage, and the decree shall not bind any person not so joined.*

Explanation.—A puisne mortgagee may sue for foreclosure or sale without making the prior mortgagee a party to the suit; and a prior mortgagee need not be joined in a suit to redeem a subsequent mortgage.

[Ib., s. 86.]

Decree in foreclosure-suit.

2. *In a suit for foreclosure, if the plaintiff succeeds, the Court shall pass a decree ordering—*

(*a*) *that an account be taken of what will be due to the plaintiff for principal and interest on the mortgage, and for his costs of the suit (if any) awarded to him on the day next hereinafter referred to, or declaring the amount so due at the date of such decree;*

(*b*) *that, upon the defendant paying into Court the amount so due on a day within six months from the date of declaring in Court the amount so due to be fixed by the Court, the plaintiff shall deliver up to the defendant, or to such person as he appoints, all documents in his possession or power relating to the mortgaged property, and shall (if necessary) re-transfer the property to the defendant free from the mortgage and from all incumbrances created by the plaintiff or any person claiming under him, or, where the plaintiff claims by derived title, by those under whom he claims, and shall also, if necessary, put the defendant into possession of the property, but*

(*c*) *that, if such payment is not made on or before the day to be fixed by the Court, the defendant shall be debarred from all right to redeem the property.*

[Ib., s. 87.]

Procedure in case of payment of amount due.

3. (*1*) *Where, on or before the day fixed, the defendant pays into Court the amount declared due as aforesaid, together with such subsequent costs as are mentioned in rule 10, the plaintiff shall deliver up the documents and if so directed re-transfer the property in accordance with the terms of the decree, and the defendant shall, if necessary, be put into possession of the mortgaged property.*

Final decree for foreclosure.

(*2*) *Where such payment is not so made, the plaintiff may apply to the Court for a final decree that the defendant and all persons claiming through or under him be debarred from all right to redeem the mortgaged property, and the Court shall then pass such decree, and shall, if necessary, deliver possession of the property to the plaintiff:*

Power to enlarge time.

Provided that the Court may, upon good cause shown and upon such terms (if any) as it thinks fit, from time to time postpone the day appointed for such payment.

Discharge of debt.

(*3*) *On the passing of a decree under sub-rule (2) the debt secured by the mortgage shall be deemed to be discharged.*

[Ib., s. 88.]

Decree for sale.

4. (*1*) *In a suit for sale, if the plaintiff succeeds, the Court shall pass a decree to the effect mentioned in clauses (a) and (b) of rule 2 and also directing that, in default of the defendant paying as therein mentioned, the mortgaged property or a sufficient part thereof be sold, and that the proceeds of the sale (after defraying thereout the expenses of the sale) be paid into Court and applied in payment of what is declared due to the plaintiff as aforesaid, together with subsequent interest and subsequent costs, and that the balance (if any) be paid to the defendant or other persons entitled to receive the same.*

Power to decree sale in foreclosure-suit.

(*2*) *In a suit for foreclosure, if the plaintiff succeeds and the mortgage is not a mortgage by conditional sale, the Court may, at the instance of the plaintiff or of any person interested either in the mortgage-money or in the right of redemption, pass a like decree (in lieu of a decree for foreclosure) on such terms as it thinks fit including the deposit in Court of a reasonable sum, fixed by the Court, to meet the expenses of sale and to secure the performance of the terms.*

[IV, 1882, s. 89.]

Procedure when defendant pays amount due.

5. (*1*) *Where on or before the day fixed the defendant pays into Court the amount declared due as aforesaid, together with such subsequent costs as are mentioned in rule 10, the plaintiff shall deliver up the documents and, if so directed, retransfer the property in accordance with the terms of the decree, and the defendant shall, if necessary, be put into possession of the mortgaged property.*

Final decree for sale.

(*2*) *Where such payment is not so made, the plaintiff or the defendant, as the case may be, may apply to the Court for a final decree for sale of the mortgaged property, and the Court shall then pass a decree that such property, or a sufficient part thereof, be sold, and that the proceeds of the sale be dealt with as is mentioned in rule 4.*

[Ib., s.

Recovery of balance due on mortgage.

6. *Where the net proceeds of any such sale are found to be insufficient to pay the amount due to the plaintiff, if the balance is legally recoverable from the defendant otherwise than out of the property sold, the Court may pass a decree for such amount.*

[Ib., s.

Decree in redemption-suit.

7. *In a suit for redemption, if the plaintiff succeeds, the Court shall pass a decree ordering—*

(*a*) *that an account be taken of what will be due to the defendant for principal and interest on the mortgage, and for his costs of the suit (if any) awarded to him on the day next hereinafter referred to, or declaring the amount so due at the date of such decree;*

(*b*) *that, upon the plaintiff paying into Court the amount so due on a day within six months from the date of declaring in Court the amount so due, to be fixed by the Court, the defendant shall deliver up to the plaintiff, or to such person as he appoints, all documents in his possession or power relating to the mortgaged property, and shall, if necessary, re-transfer the property to the plaintiff free from the mortgage and from all incumbrances created by the defendant or any person claiming under him or, where the defendant claims by derived title, by those under whom he claims, and shall, if necessary, put the plaintiff into possession of the property; but*

(*c*) *that, if such payment is not made on or before the day to be fixed by the Court, the plaintiff shall (unless the mortgage be simple or usufructuary) be debarred from all right to redeem the property or (unless the mortgage be by conditional sale) that the property be sold.*

[Ib., s.

In case of redemption, possession.

8. (*1*) *Where, on or before the day fixed, the plaintiff pays into Court the amount declared due as aforesaid, together with such subsequent costs as are mentioned in rule 10, the defendant shall deliver up the documents and, if so directed, re-transfer the property in accordance with the terms of the decree, and the plaintiff shall, if necessary, be put into possession of the mortgaged property.*

In default, foreclosure or sale.

(*2*) *Where such payment is not so made, the defendant may (unless the mortgage is simple or usufructuary) apply to the Court for a final decree that the plaintiff and all persons claiming through or under him be debarred from all right to redeem, or (unless the mortgage is by conditional sale) that the mortgaged property be sold.*

The Code of Civil Procedure Bill.

(The First Schedule.)

(Orders XXXIV, XXXV.)

(3) Where he applies for the former decree, the Court shall pass a decree accordingly, and thereupon the debt secured by the mortgage shall be deemed to be discharged and the defendant shall, if necessary, be put into possession of the mortgaged property.

(4) Where he applies for the latter decree, the Court shall pass a decree that such property or a sufficient part thereof be sold and that the proceeds of the sale (after defraying thereout the expenses of the sale) be paid into Court and applied in payment of what is found due to the defendant, and that the balance (if any) be paid to the plaintiff or other persons entitled to receive the same:

Power to enlarge time.

Provided that the Court may, upon good cause shown and upon such terms (if any) as it thinks fit, from time to time postpone the day fixed under rule 7 for payment to the defendant.

[New.]

Decree where nothing is found due or where mortgagee has been overpaid.

Notwithstanding anything hereinbefore contained, if it appears, upon taking the account referred to in rule 7, that nothing is due to the defendant or that he has been overpaid, the Court shall pass a decree directing the defendant, if necessary, to re-transfer the property and to pay to the plaintiff the amount which may be found due to him; and the plaintiff shall, if necessary, be put into possession of the mortgaged property.

[IV, 1882, s. 94.]

Costs of mortgagee subsequent to decree.

10. *In finally adjusting the amount to be paid to a mortgagee in case of a foreclosure or sale or redemption, the Court shall, unless the conduct of the mortgagee has been such as to disentitle him to costs, add to the mortgage-money such costs of suit as have been properly incurred by him since the decree for foreclosure or sale or redemption up to the time of actual payment.*

[New.]

Right of mesne mortgagee to redeem and foreclose.

11. *(1) Where property is mortgaged for successive debts to successive mortgagees, any mesne mortgagee may institute a suit to redeem the interests of the prior mortgagees and to foreclose the rights of those that are posterior to himself and of the mortgagor.*

(2) The decree in such a suit may be in the form set forth in Appendix D of the first schedule with such variation as the circumstances of each case require.

[IV, 1882, s. 96.]

Sale of property subject to prior mortgage.

12. *Where any property the sale of which is directed under this Order is subject to a prior mortgage, the Court may, with the consent of the prior mortgagee, direct that the property be sold free from the same, giving to such prior mortgagee the same interest in the proceeds of the sale as he had in the property sold.*

[Ib., s. 97.]

Application of proceeds.

13. *(1) Such proceeds shall be brought into Court and applied as follows:—*

first, in payment of all expenses incident to the sale or properly incurred in any attempted sale;

secondly, in payment of whatever is due to the prior mortgagee on account of the prior mortgage, and of costs properly incurred in connection therewith;

thirdly, in payment of all interest due on account of the mortgage in consequence whereof the sale was directed, and of the costs of the suit in which the decree directing the sale was made;

fourthly, in payment of the principal money due on account of that mortgage; and

lastly, the residue (if any) shall be paid to the person proving himself to be interested in the property sold, or if there are more such persons than one, then to such persons according to their respective interests therein or upon their joint receipt.

V of 1882.

(2) Nothing in this rule or in rule 12 shall be deemed to affect the powers conferred by section 57 of the Transfer of Property Act, 1882.

[Cf. IV, 1882, s. 100.]

Charges.

14. *All the provisions contained in this Order as to the sale or redemption of mortgaged property shall, so far as may be, apply to property subject to a charge within the meaning of section 100 of the Transfer of Property Act, 1882.*

V of 1882.

ORDER XXXV.

Interpleader.

[S. 471.]

Plaint in interpleader-suit.

1. In every suit of interpleader the plaint *shall*, in addition to the other statements necessary for plaints, state—

(*a*) that the plaintiff *claims* no interest in the *subject-matter in dispute other than for charges or costs;*

(*b*) the claims made by the defendants severally; and

(*c*) that there is no collusion between the plaintiff and any of the defendants.

[S. 472.]

Payment of thing claimed into Court.

2. *Where* the thing claimed is capable of being paid into Court or placed in the custody of the Court, the plaintiff *may be required* to so pay or place it before he can be entitled to any order in the suit.

[S. 476.]

Procedure where defendant is suing plaintiff.

3. *Where* any of the defendants in an interpleader-suit is actually suing the *plaintiff* in respect of the subject of such suit, the Court in which the suit against the *plaintiff* is pending shall, on being informed by the Court *in* which the interpleader-suit *has been instituted*, stay the proceedings as against him; and his costs in the suit so stayed may be provided for in such suit; but if, and *in* so far as, they are not provided for in that suit, they may be added to his costs incurred in the interpleader-suit.

Costs.

[S. 473.]

Procedure at first hearing.

4. (*1*) At the first hearing the Court may—

(*a*) declare that the plaintiff is discharged from all liability to the defendants in respect of the thing claimed, award him his costs, and dismiss him from the suit; *or*

(*b*) if it thinks that justice or convenience so require, retain all parties until the final disposal of the suit.

(*2*) *Where the Court* finds that the admissions of the parties or other evidence enable it *to do so, it may* adjudicate the title to the thing claimed.

(*3*) *Where the admissions of the parties do not enable the Court so to adjudicate, it may direct—*

(*a*) *that an issue or issues between the parties be framed and tried, and*

(*b*) *that any claimant be made a plaintiff in lieu of or in addition to the original plaintiff,*

and shall proceed to try the suit in the ordinary manner.

[S. 474.]

When agents and tenants may institute interpleader-suits.

5. Nothing in *this Order* shall be *deemed* to enable agents to sue their principals, or tenants to sue their landlords, for the purpose of compelling them to interplead with any persons other than persons making claim through such principals or landlords.

Illustrations.

(*a*) A deposits a box of jewels with B as his agent. C alleges that the jewels were wrongfully obtained from him by A, and claims them from B. B cannot institute an interpleader-suit against A and C.

(*b*) A deposits a box of jewels with B as his agent. He then writes to C for the purpose of making the jewels a security for a debt due from himself to C. A afterwards alleges that C's debt is satisfied, and C alleges the contrary. Both claim the jewels from B. B may institute an interpleader-suit against A and C.

[S. 475.]

Charge of plaintiff's costs.

6. *Where* the suit is properly instituted the Court may provide for the plaintiff's costs by giving him a charge on the thing claimed or in some other effectual way.

The Code of Civil Procedure Bill.

(The First Schedule.)

(Orders XXXVI—XXXVIII.)

ORDER XXXVI.

Special Case.

[S. 527.] *Power to state case for Court's opinion.*

1. (*1*) Parties claiming to be interested in the decision of any question of fact or law may enter into an agreement in writing stating such question in the form of a case for the opinion of the Court, and providing that, upon the finding of the Court with respect to such question,—

(*a*) a sum of money fixed by the parties or to be determined by the Court shall be paid by one of the parties to the other of them ; or

(*b*) some property, moveable or immoveable, specified in the agreement, shall be delivered by one of the parties to the other of them ; or

(*c*) one or more of the parties shall do, or refrain from doing, some other particular act specified in the agreement.

(*2*) Every case stated under this rule shall be divided into consecutively numbered paragraphs, and shall concisely state such facts and *specify such* documents as may be necessary to enable the Court to decide the question raised thereby.

[S. 528.] *Where value of subject-matter must be stated.*

2. *Where* the agreement is for the delivery of any property, or for the doing, or the refraining from doing, any particular act, the estimated value of the property to be delivered, or to which the act specified has reference, shall be stated in the agreement.

[S. 529.] *Agreement to be filed and numbered as suit.*

3. (*1*) The agreement, if framed in accordance with the rules hereinbefore contained, may be filed in the Court which would have jurisdiction to entertain a suit, the amount or value of the subject-matter of which is the same as the amount or value of the subject-matter of the agreement.

(*2*) The agreement, when so filed, shall be numbered and registered as a suit between one or more of the parties claiming to be interested as plaintiff or plaintiffs, and the other or the others of them as defendant or defendants; and notice shall be given to all the parties to the agreement, other than the party or parties by whom it was presented.

[S. 530.] *Parties to be subject to Court's jurisdiction.*

4. *Where* the agreement has been filed, the parties to it shall be subject to the jurisdiction of the Court and shall be bound by the statements contained therein.

[S. 531.] *Hearing and disposal of case.*

5. (*1*) The case shall be set down for hearing as a suit instituted *in the ordinary manner, and* the provisions of *this Code* shall apply to such suit so far as the same are applicable.

(*2*) *Where* the Court is satisfied, after examination of the parties, or after taking such evidence as it thinks fit,—

(*a*) that the agreement was duly executed by them,

(*b*) that they have a *bonâ fide* interest in the question stated therein, and

(*c*) that the same is fit to be decided,

it shall proceed to pronounce judgment thereon, in the same way as in an ordinary suit, and upon the judgment so *pronounced* a decree shall follow.

ORDER XXXVII.

Summary Procedure on Negotiable Instruments.

[538.] *Application of Order.*

1. *This Order shall apply only to—*

(*a*) *the High Courts of Judicature at Fort William, Madras and Bombay ;*

(*b*) *the Chief Court of Lower Burma ;*

(*c*) *the Court of the Judicial Commissioner of Sind and*

XIV of 1882. (*d*) *any other Court to which sections 532 to 537 the Code of Civil Procedure, 1882, have be already applied.*

Institution of summary suits upon bills of exchange, etc.

2. (*1*) All suits upon bills of exchange, hundis or promissory notes may, in case the plaintiff desires to proceed *hereunder*, be instituted by presenting a plaint in the form prescribed ; but the summons shall be in the form No. 1 contained in *Appendix* B or in such other form as may *be* from time to time prescribed.

(*2*) In any case in which the plaint and summons are in such forms, respectively, the defendant shall not appear or defend the suit unless he obtains leave from a Judge as hereinafter *provided* so to appear and defend; and, in default of his obtaining such leave or of *his* appearance and defence in pursuance thereof, *the allegations in the plaint shall be deemed to be admitted*, and the plaintiff shall be entitled to a decree for any sum not exceeding the sum mentioned in the summons, together with interest at the rate specified (if any) to the date of the decree, and *such* sum for costs *as may be prescribed*, unless the plaintiff claims more than such fixed sum, in which case the costs shall be ascertained in the ordinary way, and such decree may be *executed* forthwith.

Payment into Court of sum mentioned in summons.

(*3*) The defendant shall not be required to pay into Court the sum mentioned in the summons, or to give security therefor, unless the Court thinks his defence not to be *primâ facie* sustainable, or feels reasonable doubt as to its good faith.

Defendant showing defence on merits to have leave to appear.

3. The Court shall, upon application by the defendant, give leave to appear and to defend the suit, upon the defendant paying into Court the sum mentioned in the summons or upon affidavits satisfactory to the Court, which disclose such facts as would make it incumbent on the holder to prove consideration, or such other facts as the Court may deem sufficient to support the application, and on such terms as to security, framing and recording issues, or otherwise, as the Court thinks fit.

Power to set aside decree.

4. After decree the Court may, under special circumstances, set aside the decree, and if necessary stay or set aside execution, and may give leave to *the defendant to* appear to the summons and to defend the suit, if it seems reasonable to the Court so to do, and on such terms as the Court thinks fit.

Power to order bill, etc., to be deposited with officer of Court.

5. In any proceeding under rule 2 the Court may order the bill, hundi or note on which the suit is founded to be forthwith deposited with an officer of the Court, and may further order that all proceedings shall be stayed until the plaintiff gives security for the costs thereof.

Recovery of cost of noting non-acceptance of dishonoured bill or note.

6. The holder of every dishonoured bill of exchange or promissory note shall have the same remedies for the recovery of the expenses incurred in noting the same for non-acceptance or non-payment, or otherwise, by reason of such dishonour, as he has under *this Order* for the recovery of the amount of such bill or note.

Procedure in suits.

7. *Save* as provided by *this Order*, the procedure in suits *hereunder* shall be the same as the procedure in suits instituted in the ordinary manner.

ORDER XXXVIII.

Arrest and Attachment before Judgment.

Arrest before judgment.

Application during suit for security from defendant.

1. *Where* at any stage of *a* suit, other than a suit *of the nature referred to in section 16, clauses* (*a*) *to* (*d*), *the* Court *is satisfied*, by affidavit *or otherwise*,—

(*a*) that the defendant, with intent to avoid or delay the plaintiff, or to avoid any process of the

The Code of Civil Procedure Bill.
(The First Schedule.)—(Order XXXVIII.)—2-12.

Court or to obstruct or delay the execution of any decree that may be passed against him,—

(*i*) has absconded or left the *local limits of the* jurisdiction of the Court, or

(*ii*) is about to abscond or leave the *local limits of the* jurisdiction of the Court, or

(*iii*) has disposed of or removed from the *local limits of the* jurisdiction of the Court his property or any part thereof, or

(*b*) that the defendant is about to leave British India under circumstances affording reasonable probability that the plaintiff will or may thereby be obstructed or delayed in the execution of any decree that may be passed against the defendant in the suit,

[S. 478.] the Court may issue a warrant to arrest the defendant and bring him before the Court to show cause why he should not *furnish* security for his appearance to satisfy any decree that may be passed against him in the suit:

Provided that the defendant shall not be arrested if he pays to the officer executing the warrant any sum specified in the warrant as sufficient to satisfy the plaintiff's claim; and such sum shall be held in deposit by the Court until the suit is disposed of or until the further order of the Court.

[S. 479.] 2. (*1*) *Where* the defendant fails to show such cause the Court shall order him either to deposit in Court money or other property sufficient to answer the claim against him, or to *furnish* security for his appearance at any time when called upon while the suit is pending and until execution or satisfaction of any decree that may be passed against him in the suit, *or make such order as it thinks fit in regard to the sum which may have been paid by the defendant under the proviso to the last preceding rule.*

Security.

(*2*) *Every* surety *for the appearance of a defendant* shall bind himself, in default of such appearance, to pay any sum of money which the defendant may be ordered to pay in the suit.

[S. 480.] 3. (*1*) *A* surety for the appearance of *a* defendant may at any time apply to the Court in which he became such surety to be discharged from his obligation.

Procedure on application by surety to be discharged.

(*2*) On such application being made, the Court shall summon the defendant to appear or, if it thinks fit, may issue a warrant for his arrest in the first instance.

(*3*) On the appearance of the defendant *in* pursuance *of* the summons or warrant, or on his voluntary surrender, the Court shall direct the surety to be discharged from his obligation, and shall call upon the defendant to find fresh security.

[S. 481.] 4. *Where* the defendant fails to comply with any order under *rule 2 or rule 3*, the Court may commit him to *the civil prison* until the decision of the suit or, *where a decree is passed* against the defendant, until the decree *has been executed*:

Procedure where defendant fails to give security or find fresh security.

Provided that no person shall be *detained in prison* under this *rule* in any case for a longer period than six months, nor for a longer period than six weeks when the amount or value of the subject-matter of the suit does not exceed fifty rupees:

Provided *also* that no person shall be detained in prison under this *rule* after he has complied with such order.

[S. 482.] 5. The provisions of section 57, as to allowances payable for the subsistence of judgment-debtors, shall apply to all defendants *detained* under this *Order*.

Subsistence of defendants arrested.

Attachment before Judgment.

6. (*1*) *Where*, at any stage of a suit, the Court *is satisfied*, by affidavit *or otherwise*, that the defendant, with intent to obstruct or delay the execution of any decree that may be passed against him,— [Ss. 483, 484.]

Application before judgment for security from defendant, and in default for attachment of property.

(*a*) is about to dispose of the whole or any part of his property, or

(*b*) is about to remove the whole or any part of his property from the local limits of the jurisdiction of the Court in which the suit is pending, or

(*c*) has quitted the local limits of the jurisdiction of the Court,

the Court may direct the defendant, within a time to be fixed by it, either to furnish security, in such sum as may be specified in the order, to produce and place at the disposal of the Court, when required, the said property or the value of the same, or such portion thereof as may be sufficient to satisfy the decree, or to appear and show cause why he should not furnish security.

(*2*) The application shall, unless the Court otherwise directs, specify the property required to be attached and the estimated value thereof.

(*3*) The Court may also in the order direct the conditional attachment of the whole or any portion of the property specified in the application.

7. (*1*) *Where* the defendant fails to show cause why he should not furnish security, or fails to furnish the security required, within the time fixed by the Court, the Court may order that the property specified in the application, or such portion thereof as appears sufficient to satisfy any decree which may be passed in the suit, be attached. [S. 485.]

Attachment where cause not shown or security not furnished.

(*2*) *Where* the defendant shows such cause or furnishes the required security, and the property specified in the application or any portion of it has been attached, the Court shall order the attachment to be withdrawn, *or make such other order as it thinks fit.*

8. *Save as otherwise expressly provided, the* attachment shall be made in the manner provided for the attachment of property in execution of a decree. [S. 486.]

Mode of making attachment.

9. *Where* any claim *is* preferred to property attached before judgment, such claim shall be investigated in the manner hereinbefore provided for the investigation of claims of property attached in execution of a decree for *the payment of* money. [S. 487.]

Investigation of claim to property attached before judgment.

10. Where an order *is made for* attachment before judgment, the Court shall *order* the attachment *to be withdrawn* when the defendant furnishes the security required, together with security for the costs of the attachment, or when the suit is dismissed. [S. 488.]

Removal of attachment when security furnished or suit dismissed.

11. Attachment before judgment shall not affect the rights, existing prior to the attachment, of persons not parties to the suit, nor bar any person holding a decree against the defendant from applying for the sale of the property under attachment in execution of such decree. [S. 489.]

Attachment before judgment not to affect rights of strangers, nor bar decree-holder from applying for sale.

12. Where property is under attachment by virtue of the provisions of this *Order* and a decree *is subsequently passed* in favour of the plaintiff, it shall not be necessary *upon an application for execution of such decree* to *apply for a* re-attach*ment of* the property. [S. 490.]

Property attached before judgment not to be re-attached in execution of decree.

The Code of Civil Procedure Bill.

(*The First Schedule.*)—(*Orders XXXVIII, XXXIX.*)—*13—1-10.*

[New.] *13. Nothing in this Order shall be deemed to authorise the plaintiff to apply for the attachment of any agricultural produce in the possession of an agriculturist, or to empower the Court to order the attachment or production of such produce.*

Agricultural produce not attachable before judgment.

ORDER XXXIX.

Temporary Injunctions and Interlocutory Orders.

Temporary Injunctions.

[S. 492.] 1. *Where* in any suit it is proved by affidavit or otherwise—

Cases in which temporary injunction may be granted.

(*a*) that any property in dispute in a suit is in danger of being wasted, damaged or alienated by any party to the suit, or wrongfully sold in execution of a decree, or

(*b*) that the defendant threatens, or *intends*, to remove or dispose of his property with *a view* to defraud his creditors,

the Court may by order grant a temporary injunction to restrain such act, or *make* such other order for the purpose of staying and preventing the wasting, damaging, alienation, sale, removal or disposition of the property as the Court thinks fit, *until the disposal of the suit or until further orders.*

[S. 493.] 2. (*1*) In any suit for restraining the defendant from committing a breach of contract or other injury *of any kind*, whether compensation *is* claimed in the suit or not, the plaintiff may, at any time after the commencement of the suit, and either before or after judgment, apply to the Court for a temporary injunction to restrain the defendant from committing the breach of contract or injury complained of, or any breach of contract or injury of a like kind arising out of the same contract or relating to the same property or right.

Injunction to restrain repetition or continuance of breach.

(*2*) The Court may by order grant such injunction, on such terms as to the duration of the injunction, keeping an account, giving security, or otherwise, as the Court thinks fit.

(*3*) In case of disobedience, *or of breach of any such terms, the Court granting an injunction may order the property of the person guilty of such disobedience or breach to be attached and may also order such person to be detained in the civil prison for a term not exceeding six months, unless in the meantime the Court directs his release.*

(*4*) No attachment under this *rule* shall remain in force for more than one year, at the end of which time, if the *disobedience or breach continues*, the property attached may be sold, and out of the proceeds the Court may award such compensation as it thinks fit, and *shall* pay the balance, if any, to the *party entitled thereto.*

[S. 494.] 3. The Court shall in all cases, except where it appears that the object of granting the injunction would be defeated by the delay, before granting an injunction, direct notice of the application for the same to be given to the opposite party.

Before granting injunction Court to direct notice to opposite party.

[S. 496.] 4. Any order for an injunction may be discharged, or varied, or set aside by the Court, on application made thereto by any party dissatisfied with such order.

Order for injunction may be discharged, varied or set aside.

[S. 495.] 5. An injunction directed to a corporation is binding not only on the corporation itself, but also on all members and officers of the corporation whose personal action it seeks to restrain.

Injunction to corporation binding on its officers.

Interlocutory Orders.

6. The Court may, on the application of any party to a suit, order the sale, by any person named in such order, and in such manner and on such terms as it thinks fit, of any moveable property, being the subject-*matter* of such suit, *or attached before judgment in such suit*, which is subject to speedy and natural decay, *or which for any other just and sufficient cause it may be desirable to have sold at once.* [S. 497.]

Power to order interim sale of perishable articles.

7. (*1*) The Court may, on the application of any party to a suit, and on such terms as it thinks fit,— [S. 499.]

Power to make order for detention, etc., of subject-matter, and to authorize entry, taking of samples and experiments.

(*a*) make an order for the detention, preservation or inspection of any property *which is* the subject-*matter* of such suit *or as to which any question may arise therein ;*

(*b*) for all or any of the purposes aforesaid authorize any person to enter upon or into any land or building in the possession of any other party to such suit; and

(*c*) for all or any of the purposes aforesaid authorize any samples to be taken, or any observation to be made or experiment to be tried, which may seem necessary or expedient for the purpose of obtaining full information or evidence.

(*2*) The provisions as to execution of process shall apply, *mutatis mutandis*, to persons authorized to enter under this *rule*.

8. (*1*) An application by the plaintiff for an order under *rule 6 or rule 7* may be made after notice in writing to the defendant at any time after *institution* of the *suit*. [S. 500.]

Application for such orders to be after notice.

(*2*) An application by the defendant for a like order may be made after notice in writing to the plaintiff at any time after *appearance*.

9. *Where* land paying revenue to Government, or a tenure liable to sale, is the subject-matter of a suit, if the party in possession of such land or tenure neglects to pay the Government revenue, or the rent due to the proprietor of the tenure, as the case may be, and such land or tenure is consequently ordered to be sold, any other party to the suit claiming to have an interest in such land or tenure may, upon payment of the revenue or rent due previously to the sale (and with or without security at the discretion of the Court), be put in immediate possession of the land or tenure; [S. 501.]

When party may be put in immediate possession of land the subject-matter of suit.

and the Court in its decree may award against the defaulter the amount so paid, with interest thereon at such rate as the Court thinks fit, or may charge the amount so paid, with interest thereon at such rate as the Court orders, in any adjustment of accounts which may be directed in the decree passed in the suit.

10. *Where* the subject-matter of a suit is money or some other thing capable of delivery and any party thereto admits that he holds such money or other thing as a trustee for another party, or that it belongs or is due to another party, the Court may order the same to be deposited in Court or delivered to such last-named party, with or without security, subject to the further direction of the Court. [S. 502.]

Deposit of money, etc., in Court.

ORDER XL.

Appointment of Receivers.

1. (*1*) *Where* it appears to the Court to be *just and convenient*, the Court may by order— [S. 503.]

Appointment of Receivers.

(*a*) appoint a Receiver of *any* property, *whether before or after decree ;*

(*b*) remove *any* person *from the* possession or custody *of* the property ;

(*c*) commit the same to the *possession*, custody or management of *the* Receiver ; and

(*d*) *confer upon the* Receiver all such powers, as to bringing and defending suits and for the

The Code of Civil Procedure Bill.
(*The First Schedule.*)
(*Orders XL, XLI.*)

realization, management, protection, preservation and improvement of the property, the collection of the rents and profits thereof, the application and disposal of such rents and profits, and the execution of *documents* as the owner himself has, or such of those powers as the Court thinks fit.

(2) Nothing in this *rule shall* authorize the Court to remove from the possession or custody of property any person whom *any* party to the suit has not a present right so to remove.

[S. 503.] Remuneration. 2. The Court *may by general or special order fix the amount to be paid as remuneration for the services of the Receiver.*

[S. 503.] Duties. 3. Every Receiver so appointed shall—

(*a*) *furnish* such security (if any) as the Court thinks fit, duly to account for what he shall receive in respect of the property;

(*b*) *submit* his accounts at such periods and in such form as the Court directs;

(*c*) pay the *amount* due from him as the Court directs; and

(*d*) be responsible for any loss occasioned to the property by his wilful default or gross negligence.

[New.] *Enforcement of Receiver's liabilities.* 4. (*1*) *Where a Receiver fails to submit his accounts at such periods and in such form as the Court directs, the Court may order him to be detained in the civil prison for a term not exceeding six months unless in the meantime the Court directs his release.*

(*2*) *Where a Receiver—*

(*a*) *fails to pay the amount due from him as the Court directs, or*

(*b*) *occasions loss to the property by his wilful default or gross negligence,*

the Court may direct his property to be attached and sold and may apply the proceeds to make good any amount found to be due from him or any loss so occasioned by him and shall pay the balance (if any) to the Receiver.

[S. 504.] When Collector may be appointed Receiver. 5. Where the property is land paying revenue to *the* Government, or land of which the revenue has been assigned or redeemed, and the Court considers that the interests of those concerned will be promoted by the management of the Collector, the Court may, with the consent of the Collector, appoint him to be Receiver of such property.

ORDER XLI.

Appeals from Original Decrees.

[S. 541.] Form of appeal. What to accompany memorandum. 1. (*1*) *Every* appeal shall be *preferred* in the form of a memorandum *signed* by the appellant *or his pleader and presented to the Court or to such officer as it appoints in this behalf. The memorandum* shall be accompanied by a copy of the decree appealed *from* and (unless the Appellate Court dispenses therewith) of the judgment on which it is founded.

Contents of memorandum. (2) *The* memorandum shall set forth, concisely and under distinct heads, the grounds of objection to the decree appealed *from* without any argument or narrative; and such grounds shall be numbered consecutively.

[S. 542.] *Grounds which may be taken in appeal.* 2. The appellant shall not, *except by* leave of the Court, urge or be heard in support of any ground of objection *not set forth in the memorandum of appeal; but* the *Appellate* Court, in deciding the appeal, shall not be confined to the grounds of *objection set forth in the memorandum of appeal or taken by leave of the Court under this rule:*

Provided that *the Court* shall not rest its decision on any *other* ground *unless the party who may be adversely affected thereby* has had *a* sufficient opportunity *of* contesting the case on that ground.

Rejection or amendment of memorandum. 3. (*1*) *Where* the memorandum of appeal *is* not drawn up in the manner hereinbefore prescribed, it may be rejected, or be returned to the appellant for the purpose of being amended within a time to be fixed by the Court or be amended then and there. [S. 543.]

(2) *Where* the Court rejects any memorandum, it shall record the reasons for such rejection.

(3) *Where* a memorandum of appeal is amended, the Judge, or such officer as he appoints in this behalf, shall *sign or initial* the amendment.

One of several plaintiffs or defendants may obtain reversal of whole decree if it proceed on ground common to all. 4. Where there are more plaintiffs or more defendants than one in a suit, and the decree appealed *from* proceeds on any ground common to all the plaintiffs or to all the defendants, any one of the plaintiffs or of the defendants may appeal *from* the whole decree, and thereupon the Appellate Court may reverse or modify the decree in favour of all the plaintiffs or defendants, as the case may be. [S. 544.]

Stay of proceedings in execution.

Stay of proceedings in execution. 5. (*1*) *An appeal shall not operate as a stay of proceedings under a decree or order appealed from except so far as the Appellate Court may order, nor* shall execution of a decree be stayed by reason only of an appeal *having been* preferred *from* the decree; but the Appellate Court may for sufficient cause order stay of execution *of such decree.* [S. 545.]

Stay in appealable decree. (2) *Where* an application *is* made for stay of execution of an appealable decree before the *expiration* of the time allowed for appealing therefrom, the Court which passed the decree may *on* sufficient cause *being shown* order the execution to be stayed:

Provided that no order shall be made under this *rule* unless the Court making it is satisfied—

(*a*) that substantial loss may result to the party applying for stay of execution unless the order is made;

(*b*) that the application has been made without unreasonable delay; and

(*c*) that security has been given by the applicant for the due performance of such decree or order as may ultimately be binding upon him.

(*3*) *Notwithstanding anything contained in sub-rule (2), the Court may make an ex parte order for stay of execution pending the hearing of the application.*

Security in case of order for execution of decree appealed from. 6. (*1*) *Where* an order is made for the execution of a decree *from* which an appeal is pending, the Court which passed the decree shall, on sufficient cause being shown by the appellant, require security to be *taken* for the restitution of any property which may be *or has been* taken in execution of the decree or for the payment of the value of such property and for the due performance of the decree or order of the Appellate Court, or the Appellate Court may for like cause direct the Court which passed the decree to take such security. [S. 546.]

(2) *Where* an order has been *made* for the sale of immoveable property in execution of a decree, and an appeal is pending *from* such decree, the sale shall, on the application of the judgment-debtor *to the Court which made the order,* be stayed on such terms as to giving security or otherwise as the Court thinks fit until the appeal is disposed of.

No security to be required from the Government or a public officer in certain cases. 7. No such security as is mentioned in *rules 5 and 6* shall be required from the Secretary of State for India in Council or, where the Government has undertaken the defence of the suit, from any public officer sued in respect of an act alleged to be done by him in his official capacity. [S. 547.]

[New.] *Exercise of certain rules in appeal from order made in execution of decree.* 8. *The powers conferred by rules 5 and 6 shall be exercisable where an appeal may be or has been preferred not from the decree but from an order made in execution of such decree.*

The Code of Civil Procedure Bill.

(*The First Schedule.*)

(*Order XLI.*)

Procedure on admission of appeal.

[S. 548.] 9. (*1*) *Where* a memorandum of appeal is admitted, the Appellate Court or the proper officer of that Court shall endorse thereon the date of presentation, and shall register the appeal in a book to be kept for the purpose.

Registry of memorandum of appeal.

(*2*) Such book shall be called the Register of Appeals.

Register of appeals.

[S. 549.] 10. (*1*) The Appellate Court may *in* its discretion, either before the respondent is called upon to appear and answer or afterwards on the application of the respondent, demand from the appellant security for the costs of the appeal, or of the original suit, or of both:

Appellate Court may require appellant to give security for costs.

Provided that the Court shall demand such security in all cases in which the appellant is residing out of British India, and is not possessed of any sufficient immoveable property within British India *other than* the property (if any) to which the appeal relates.

When appellant resides out of British India.

(*2*) *Where* such security *is* not furnished within such time as the Court orders, the Court shall reject the appeal.

[S. 551.] 11. (*1*) The Appellate Court, *after sending for the record* if it thinks fit *so to do, and* after fixing a day for hearing the appellant or his pleader and hearing him accordingly if he appears on that day, may dismiss the appeal without sending notice to the Court *from* whose decree the appeal is made and without serving notice on the respondent or his pleader.

Power to dismiss appeal without sending notice to Lower Court.

(*2*) If on the day fixed or any other day to which the hearing may be adjourned the appellant does not *appear when the appeal is called on for hearing*, the appeal shall be dismissed for default, *unless the Court otherwise directs.*

(*3*) The dismissal of an appeal under this *rule* shall be notified to the Court *from* whose decree the appeal is made.

[S. 552.] 12. (*1*) Unless the Appellate Court dismisses the appeal under *rule 11*, it shall fix a day for hearing the appeal.

Day for hearing appeal.

(*2*) Such day shall be fixed with reference to the current business of the Court, the place of residence of the respondent, and the time necessary for the service of the notice of appeal, so as to allow the respondent sufficient time to appear and answer the appeal on such day.

[S. 550.] 13. (*1*) *Where* the appeal is *not dismissed under rule 11*, the Appellate Court shall send notice of the appeal to the Court *from* whose decree the appeal is *preferred.*

Appellate Court to give notice to Court whose decree appealed from.

(*2*) *Where* the appeal *is* from *the decree of* a Court, the records of which are not deposited in the Appellate Court, the Court receiving such notice shall send with all practicable despatch all material papers in the suit, or such papers as may be specially called for by the Appellate Court.

Transmission of papers to Appellate Court.

(*3*) Either party may apply in writing to the Court *from* whose decree the appeal is *preferred*, specifying any of *the* papers in such Court of which he requires copies to be made; and copies of such papers shall be made at the expense of, *and given to*, the applicant.

Copies of exhibits in Court whose decree appealed from.

[S. 553.] 14. (*1*) Notice of the day fixed *under rule 12* shall be *affixed* in the Appellate Court-house, and a like notice shall be sent by the Appellate Court to the Court *from* whose decree the appeal is *preferred*, and shall be served on the respondent or on his pleader in the Appellate Court in the manner provided for the service on a defendant of a summons to appear and answer; and all *the provisions* applicable to such summons, and to proceedings with reference to the service thereof, shall apply to the service of such notice.

Publication and service of notice of day for hearing appeal.

(*2*) Instead of sending the notice to the Court *from* whose decree the appeal is *preferred*, the Appellate Court may itself cause the notice to be served on the respondent or his pleader under the *provisions* above referred to.

Appellate Court may itself cause notice to be served.

15. The notice to the respondent shall declare that, if he does not appear in the Appellate Court on the day so fixed, the appeal will be heard *ex parte*. [S. 554.

Contents of notice.

Procedure on hearing

16. (*1*) On the day fixed, or on any other day to which the hearing may be adjourned, the appellant shall be heard in support of the appeal. [S. 55

Right to begin.

(*2*) The Court shall then, if it does not dismiss the appeal at once, hear the respondent against the appeal, and in such case the appellant shall be entitled to reply.

17. (*1*) *Where* on the day fixed, or on any other day to which the hearing may be adjourned, the appellant does not *appear when the appeal is called on for hearing*, the appeal shall be dismissed for default, *unless the Court otherwise directs.* [S. 55

Dismissal of appeal for appellant's default.

(*2*) *Where* the appellant *appears* and the respondent does not *appear*, the appeal shall be heard *ex parte.*

Hearing appeal *ex parte.*

18. *Where* on the day fixed, or any other day to which the hearing may be adjourned, it is found that the notice to the respondent has not been served in consequence of the failure of the appellant to deposit, within the period fixed, the sum required to defray the cost of issuing the notice, the Court may order that the appeal be dismissed: [S. 55

Dismissal of appeal where notice not served in consequence of appellant's failure to deposit costs.

Provided that no such order shall be *made* although the notice has not been served upon the respondent, if on *any such* day the respondent appears *when the appeal is called on for hearing.*

19. *Where* an appeal *is* dismissed under *rule 11*, sub-*rule* (*2*), *or under* rule *17* or rule *18*, the appellant may apply to the Appellate Court for the re-admission of the appeal; and, *where* it *is* proved that he was prevented by any sufficient cause from *appearing* when the appeal was called on for hearing or from depositing the sum so required, the Court may re-admit the appeal on such terms as to costs or otherwise as *it* thinks fit. [S. 55

Re-admission of appeal dismissed for default.

20. *Where* it appears to the Court at the hearing that any person who was a party to the suit in the Court *from* whose decree the appeal *is preferred*, but who has not been made a party to the appeal, is interested in the result of the appeal, the Court may adjourn the hearing to a future day to be fixed by the Court and direct that such person be made a respondent. [S. 5

Power to adjourn hearing and direct persons appearing interested to be made respondents.

21. *Where an* appeal is heard *ex parte* and judgment is *pronounced* against the respondent, he may apply to the Appellate Court to re-hear the appeal; and, if he satisfies the Court that the notice was not duly served or that he was prevented by sufficient cause from *appearing* when the appeal was called on for hearing, the Court may re-hear the appeal on such terms as to costs or otherwise as *it* thinks fit to impose upon him. [S.

Re-hearing on application of respondent against whom *ex parte* decree made.

22. (*1*) Any respondent, though he may not have appealed *from* any part of the decree, may not only support the decree on any of the grounds decided against him in the Court below, but take [S

Upon hearing, respondent may object to decree as if he had preferred separate appeal.

The Code of Civil Procedure Bill.

(The First Schedule.)

(Order XLI.)

any *cross*-objection to the decree which he could have taken by way of appeal, provided he has filed *such* objection in the Appellate Court within one month from the date of service on him or his pleader under rule *14* of notice of the day fixed for hearing the appeal, or within such further time as the Appellate Court may see fit to allow.

Form of notice and provisions applicable thereto.

(*2*) Such *cross*-objection shall be in the form of a memorandum, and the provisions of rule *1*, so far as they relate to the form and contents of the memorandum of appeal, shall apply thereto.

(*3*) Unless the respondent files with the objection a written acknowledgment from the *party who may be affected by such objection or his pleader* of having received a copy thereof, the Appellate Court shall cause a copy to be served, as soon as may be after the filing of the objection, on *such party or his pleader* at the expense of the respondent.

(*4*) *Where, in any case in which any respondent has under this rule filed a notice of objection, the original appeal is withdrawn, the objection so filed may nevertheless be heard and determined after such notice to the other parties as the Court thinks fit.*

(*5*) The provisions *relating to pauper appeals* shall, so far as they can be made applicable, apply to an objection under this *rule*.

Remand of case by Appellate Court.

[S. 562.] 23. *Where* the Court *from* whose decree an appeal is *preferred* has disposed of the suit upon *a preliminary point and* the decree is reversed in appeal, the Appellate Court may, if it thinks fit, by order remand the case, and may further direct what issue or issues shall be tried in the case so remanded, *and* shall send a copy of *its judgment and* order to the Court *from* whose decree the appeal is *preferred*, with directions to re-admit the suit under its original number in the register *of civil suits*, and proceed to determine the suit; *and the evidence (if any) recorded during the original trial shall, subject to all just exceptions, be evidence during the trial after remand.*

Limit to remand.

[S. 564.] 24. The Appellate Court shall not remand a case for a second decision, except as provided in *rule 23*.

Where evidence on record sufficient, Appellate Court may determine case finally.

[S. 565.] 25. *Where* the evidence upon the record is sufficient to enable the Appellate Court to pronounce judgment, the Appellate Court may, after resettling the issues, if necessary, finally determine the *suit*, notwithstanding that the judgment of the Court *from* whose decree the appeal is *preferred* has proceeded wholly upon some ground other than that on which the Appellate Court proceeds.

Where Appellate Court may frame issues and refer them for trial to Court whose decree appealed from.

[S. 566.] 26. *Where* the Court *from* whose decree the appeal is *preferred* has omitted to frame or try any issue, or to determine any question of fact, which appears to the Appellate Court essential to the right decision of the suit upon the merits, the Appellate Court may, if necessary, frame issues, and refer the same for trial to the Court *from* whose decree the appeal is *preferred*, and in such case shall direct such Court to take the additional evidence required;

and such Court shall proceed to try such issues, and shall return *the evidence* to the Appellate Court together with its finding thereon *and the* reasons therefor.

Finding and evidence to be put on record. Objections to finding.

[S. 567.] 27. (*1*) Such evidence and findings shall *form* part of the record in the suit; and either party may, within a time to be fixed by the Appellate Court, present a memorandum of objections to *any* finding.

Determination of appeal.

(*2*) After the expiration of the period *so* fixed for presenting such memorandum the Appellate Court shall proceed to determine the appeal.

Production of additional evidence in Appellate Court.

28. (*1*) The parties to an appeal shall not be entitled to produce additional evidence, whether oral or documentary, in the Appellate Court. But if— [S. 568.]

(*a*) the Court *from* whose decree the appeal is *preferred has* refused to admit evidence which ought to have been admitted, or

(*b*) the Appellate Court requires any document to be produced or any witness to be examined to enable it to pronounce judgment, or for any other substantial cause,

the Appellate Court may allow such evidence or document to be produced, or witness to be examined.

(*2*) *Wherever* additional evidence is *allowed to be produced* by an Appellate Court, the Court shall record the reason for *its* admission.

Mode of taking additional evidence.

29. *Wherever* additional evidence is allowed to be *produced*, the Appellate Court may either take such evidence, or direct the Court *from* whose decree the appeal is *preferred*, or any other subordinate Court, to take such evidence and to send it when taken to the Appellate Court. [S. 569.]

Points to be defined and recorded.

30. Where additional evidence is directed or allowed to be taken, the Appellate Court shall specify the points to which the evidence is to be confined, and record on its proceedings the points so specified. [S. 570.]

Judgment in appeal.

Judgment when and where pronounced.

31. The Appellate Court, after hearing the parties or their pleaders and referring to any part of the proceedings, whether on appeal or in the Court *from* whose decree the appeal is *preferred*, to which reference may be considered necessary, shall pronounce judgment in open Court, either at once or on some future day, of which notice shall be given to the parties or their pleaders. [S. 571.]

Contents, date and signature of judgment.

32. The judgment of the Appellate Court shall *be in writing and shall* state— [S. 574.]

(*a*) the points for determination;

(*b*) the decision thereon;

(*c*) the reasons for the decision; and

(*d*) *where* the decree appealed *from* is reversed or varied, the relief to which the appellant is entitled;

and shall at the time that it is pronounced be signed and dated by the Judge or by the Judges concurring therein.

What judgment may direct.

33. The judgment may be for confirming, varying or reversing the decree *from* which the appeal is *preferred*, or, if the parties to the appeal agree as to the form which the decree in appeal shall take, or as to the order to be *made* in appeal, the Appellate Court may pass a decree or *make an* order accordingly. [S. 577.]

Power of Court of Appeal.

34. *The Appellate Court shall have power to pass any decree and make any order which ought to have been passed or made and to pass or make such further or other decree or order as the case may require, and this power may be exercised by the Court notwithstanding that the appeal is as to part only of the decree and may be exercised in favour of all or any of the respondents or parties, although such respondents or parties may not have filed any appeal or objections.* [O. 58, r. 4.]

Illustration.

A claims a sum of money as due to him from X or Y, and in a suit against both obtains a decree against X. X appeals and A and Y are respondents. The Appellate Court decides in favour of X. It has power to pass a decree against Y.

The Code of Civil Procedure Bill.

(*The First Schedule.*)

(*Orders XLI—XLIV.*)

[576.] Dissent to be recorded.

35. *Where* the appeal is heard by more Judges than one, any Judge dissenting from the judgment of the Court shall state in writing the decision or order which he thinks should be passed on the appeal, and he may state his reasons for the same.

Decree in appeal.

[579.] Date and contents of decree.

36. (*1*) The decree of the Appellate Court shall bear date the day on which the judgment was pronounced.

(*2*) The decree shall contain the number of the appeal, the names and description of the appellant and respondent, and *a clear specification of the relief granted or other adjudication made.*

(*3*) The decree shall also state the amount of costs incurred in the appeal, and by *whom, or out of what property,* and in what proportions such costs and the costs in the suit are to be paid.

(*4*) The decree shall be signed and dated by the Judge *or* Judges who passed it :

Judge dissenting from judgment need not sign decree.

Provided that where there are more Judges than one *and* there *is* a difference of opinion among them, it shall not be necessary for any Judge dissenting from the judgment of the Court to sign the decree.

[580.] Copies of judgment and decree to be furnished to parties.

37. Certified copies of the judgment and decree in appeal shall be furnished to the parties on application to the *Appellate* Court and at their expense.

[581.] Certified copy of decree to be sent to Court whose decree appealed from.

38. A copy of the judgment and of the decree, certified by the Appellate Court or such officer as it appoints in this behalf, shall be sent to the Court which passed the decree appealed *from* and shall be filed with the original proceedings in the suit, and an entry of the judgment of the Appellate Court shall be made in the register of civil suits.

ORDER XLII.

Appeals from Orders.

[588.] Appeals from orders.

1. An appeal shall lie from the following orders under the provisions of section 104, namely :—

(*a*) *an order returning a plaint or memorandum of appeal to be presented to the proper Court ;*

(*b*) *an order under rule 9 of Order IX rejecting an application* (*in a case open to appeal*) *for an order to set aside the dismissal of a suit ;*

(*c*) *an order under rule 13 of Order IX rejecting an application* (*in a case open to appeal*) *for an order to set aside a decree passed ex parte ;*

(*d*) *an order under rule 10 of Order XVI for the attachment of property ;*

(*e*) *an order under rule 34 of Order XXI as to an objection to the draft of an instrument or of an endorsement ;*

(*f*) *an order under rule 71 of Order XXI ;*

(*g*) *an order under rule 91 of Order XXI setting aside or refusing to set aside a sale of immoveable property ;*

(*h*) *an order under rule 11 of Order XXII refusing to set aside the abatement or dismissal of a suit ;*

(*i*) *an order under rule 12 of Order XXII allowing or disallowing objections ;*

(*j*) *an order under rule 3 of Order XXIII recording or refusing to record an agreement, compromise or satisfaction ;*

(*k*) *an order under rule 2 of Order XXV rejecting an application for an order to set aside the dismissal of a suit ;*

(*l*) *an order under rule 3 or rule 8 of Order XXXIV refusing to extend the time for the payment of mortgage-money ;*

(*m*) *orders in interpleader-suits under rule 3, rule 4 or rule 6 of Order XXXV ;*

(*n*) *an order under rule 6 or 7 of Order XXXVIII ;*

(*o*) *an order under rule 1, rule 2 or rule 4 of Order XXXIX ;*

(*p*) *an order under rule 1 or rule 4 of Order XL ;*

(*q*) *an order of refusal under rule 18 of Order XLI to re-admit or under rule 20 of Order XLI to re-hear an appeal ;*

(*r*) *an order under rule 22 of Order XLI remanding a case, where an appeal would lie from the decree of the Appellate Court ;*

(*s*) *an order made by any Court other than the High Court refusing the grant of a certificate under rule 6 of Order XLIV ;*

(*t*) *an order under rule 4 of Order XLVI granting an application for review.*

Procedure.

2. The rules of Order XLI shall apply, *mutatis mutandis,* to *appeals from orders.* [S. 590.]

ORDER XLIII.

Pauper Appeals.

Who may appeal as pauper.

1. Any person entitled to prefer an appeal, who is unable to pay the fee required for the *memorandum* of appeal, may present an application accompanied by a memorandum of appeal, *and may* be allowed to appeal as a pauper, subject, *in all matters including the presentation of such application,* to the *provisions relating to suits by paupers,* in so far as those *provisions* are applicable : [S. 592.]

Procedure on application for admission of appeal.

Provided that the Court shall reject the application unless, upon a perusal thereof and of the judgment and decree *appealed from,* it sees reason to think that the decree is contrary to law or to some usage having the force of law, or is otherwise erroneous or unjust.

Inquiry into pauperism.

2. The inquiry into the pauperism of the applicant may be made either by the Appellate Court or under the orders of the Appellate Court by the Court *from* whose decision the appeal is *preferred* : [S. 593.]

Provided that, if the applicant was allowed to sue or appeal as a pauper in the Court *from* whose decree the appeal is *preferred,* no further inquiry in respect of his pauperism shall be necessary, unless the Appellate Court sees cause to direct such inquiry.

ORDER XLIV.

Appeals to the King in Council.

"Decree" defined.

1. *In this Order, unless there is something repugnant in the subject or context, the expression "decree" shall include a final order.* [S. 594.]

Application to Court whose decree complained of.

2. Whoever desires to appeal to *His* Majesty in Council *shall* apply by petition to the Court whose decree is complained of. [S. 598.]

Certificate as to value or fitness.

3. (*1*) Every petition *shall* state the grounds of appeal and pray for a certificate either that, as regards amount or value or nature, the case fulfils the requirements of section 110, or that it is otherwise a fit one for appeal to *His* Majesty in Council. [S. 600.]

(*2*) Upon receipt of such petition, the Court *shall* direct notice to be served on the opposite party to show cause why the said certificate should not be granted.

The Code of Civil Procedure Bill.
(*The First Schedule.*)
(*Order XLIV.*)

[New. Consolidation of suits.

4. For the purposes of the pecuniary valuation suits involving substantially the same questions for determination and decided by the same judgment may be consolidated : but suits decided by separate judgment shall not be consolidated, notwithstanding that they involve substantially the same questions for determination.

New.] Remission of dispute to Court of first instance.

5. In the event of any dispute arising between the parties as to the amount or value of the subject-matter of the suit in the Court of first instance, or as to the amount or value of the subject-matter in dispute on appeal to His Majesty in Council, the Court to which a petition for a certificate is made under rule 2 may, if it thinks fit, refer such dispute for report to the Court of first instance, which last-mentioned Court shall proceed to determine such amount or value and shall return its report together with the evidence to the Court by which the reference was made.

[S. 601.] Effect of refusal of certificate.

6. *Where* such certificate *is* refused, the petition shall be dismissed.

[S. 602.] Security and deposit required on grant of certificate.

7. (*1*) *Where* the certificate *is* granted, the applicant shall, within six months from the date of the decree complained of, or within six weeks from the date of the grant of the certificate, whichever is the later date,—

(*a*) *furnish* security for the costs of the respondent, and

(*b*) deposit the amount required to defray the expense of translating, transcribing, indexing and transmitting to *His* Majesty in Council a correct copy of the whole record of the suit, except—

(*1*) formal documents directed to be excluded by any order of *His* Majesty in Council in force for the time being;

(*2*) papers which the parties agree to exclude;

(*3*) accounts, or portions of accounts, which the officer empowered by the Court for that purpose considers unnecessary, and which the parties have not specifically asked to be included; and

(*4*) such other documents as the High Court may direct to be excluded.

(*2*) *Where* the applicant prefers to print in India the copy of the record, except as aforesaid, he shall also, within the time mentioned in *sub-rule* (*1*), deposit the amount required to defray the expense of printing such copy.

[S. 603.] Admission of appeal and procedure thereon.

8. *Where* such security has been *furnished* and deposit made to the satisfaction of the Court, the Court *shall*—

(*a*) declare the appeal admitted,

(*b*) give notice thereof to the respondent,

(*c*) transmit to *His* Majesty in Council under the seal of the Court a correct copy of the said record, except as aforesaid, and

(*d*) give to either party one or more authenticated copies of any of the papers in the suit on his applying therefor and paying the reasonable expenses incurred in preparing them.

[S. 604.] Revocation of acceptance of security.

9. At any time before the admission of the appeal, the Court may, upon cause shown, revoke the acceptance of any such security, and make further directions thereon.

[S. 605.] Power to order further security or payment.

10. *Where* at any time after the admission of *an* appeal, but before the transmission of the copy of the record, except as aforesaid, to *His* Majesty in Council, such security appears inadequate,

or further payment is required for the purpose of translating, transcribing, printing, indexing or transmitting the copy of the record, except as aforesaid,

the Court may order the appellant to furnish, within a time to be fixed by the Court, other and sufficient security, or to make, within like time, the required payment.

Effect of failure to comply with order. [S. 606.]

11. *Where* the appellant fails to comply with such order, the proceedings shall be stayed,

and the appeal shall not proceed without an order in his behalf of *His* Majesty in Council,

and in the meantime execution of the decree appealed *from* shall not be stayed.

Refund of balance deposit. [S. 607.]

12. When the copy of the record, except as aforesaid, has been transmitted to *His* Majesty in Council, the appellant may obtain a refund of the balance (if any) of the amount which he has deposited under rule 7.

Powers of Court pending appeal. [S. 608.]

13. (*1*) Notwithstanding the *grant of a certificate for the* admission of any appeal, the decree appealed *from* shall be unconditionally *executed*, unless the Court otherwise directs.

(*2*) The Court may, if it thinks fit, on special cause shown by any party interested in the suit, or otherwise appearing to the Court,—

(*a*) impound any moveable property in dispute or any part thereof, or

(*b*) allow the decree appealed *from* to be *executed* taking such security from the respondent as the Court thinks fit for the due performance of any order which *His* Majesty in Council may make on the appeal, or

(*c*) stay the execution of the decree appealed *from*, taking such security from the appellant as the Court thinks fit for the due performance of the decree appealed *from*, or of any order which *His* Majesty in Council may make on the appeal, or

(*d*) place any party seeking the assistance of the Court under such conditions or give such other direction respecting the subject-matter of the appeal, as it thinks fit, *by the appointment of a Receiver or otherwise.*

Increase of security found inadequate. [S. 609.]

14. (*1*) *Where* at any time during the pendency of the appeal the security furnished by either party appears inadequate, the Court may, on the application of the other party, require further security.

(*2*) In default of such further security being furnished as required by the Court,—

(*a*) if the original security was furnished by the appellant, the Court may, on the application of the respondent, execute the decree appealed *from* as if the appellant had furnished no such security;

(*b*) if the original security was furnished by the respondent, the Court shall, so far as may be practicable, stay *the* further execution of the decree, and restore the parties to the position in which they respectively were when the security which appears inadequate was furnished, or give such direction respecting the subject-matter of the appeal as it thinks fit.

Procedure to enforce orders of *King* in Council. [S. 610.]

15. (*1*) Whoever desires to obtain execution of any order of *His* Majesty in Council shall apply by petition, accompanied by a certified copy of the decree *passed* or order made in appeal and sought to be executed, to the Court from which the appeal to *His* Majesty was preferred.

(*2*) Such Court shall transmit the order of *His* Majesty *in Council* to the Court which *passed* the first decree appealed from, or to such other Court as *His* Majesty *in Council* by *such* order may direct, and shall (upon the application of either party) give such directions as may be required for the execution of the same; and the Court to which the said order is so transmitted

The Code of Civil Procedure Bill.
(*The First Schedule.*)
(*Orders XLIV, XLV, XLVI.*)

shall execute it accordingly, in the manner and according to the *provisions* applicable to the execution of its original decrees.

(*3*) When any monies expressed to be payable in British currency are payable in India under such order, the amount so payable shall be estimated according to the rate of exchange for the time being fixed *at the date of the making of the order* by the Secretary of State for India in Council with the concurrence of the Lords Commissioners of *His* Majesty's Treasury for the adjustment of financial transactions between the Imperial and the Indian Governments.

[S. 611.] Appeal against order relating to execution.

16. The orders made by the Court which executes the order of *His* Majesty in Council, relating to such execution, shall be appealable in the same manner and subject to the same rules as the orders of such Court relating to the execution of its own decrees.

ORDER XLV.

Reference.

[S. 617.] Reference of question to High Court.

1. *Where,* before or on the hearing of a suit or an appeal in which the decree is *not subject to appeal,* or *where,* in the execution of any such decree, any question of law or usage having the force of law arises, on which the Court trying the suit or appeal, or executing the decree, entertains reasonable doubt, the Court may, either of its own motion or on the application of any of the parties, draw up a statement of the facts of the case and the point on which doubt is entertained, and refer such statement with its own opinion on the point for the decision of the High Court.

[S. 618.] Court may pass decree contingent upon decision of High Court.

2. The Court may either stay the proceedings or proceed in the case notwithstanding such reference, and may pass a decree or *make an* order contingent upon the *decision* of the High Court on the point referred;

but no *decree or order made* shall be executed in any case in which such reference is made until the receipt of a copy of the judgment of the High Court upon the reference.

[S. 619.] Judgment of High Court to be transmitted, and case disposed of accordingly.

3. The High Court, *after hearing the parties if they appear and desire to be heard,* shall decide the point so referred, and shall transmit a copy of its judgment, under the signature of the Registrar, to the Court by which the reference was made; and such Court shall, on the receipt thereof, proceed to dispose of the case in conformity with the decision of the High Court.

[S. 620.] Costs of reference to High Court.

4. *The* costs (if any) consequent on a reference for the *decision* of the High Court shall be costs in the case.

[S. 621.] Power to alter, etc., decrees of Court making reference.

5. *Where* a case is referred to the High Court under *rule 1,* the High Court may return the case for amendment, and may alter, cancel or set aside any decree or order which the Court making the reference has passed *or made* in the case out of which the reference arose, and make such order as it thinks fit.

[S. 646A.] Power to refer to High Court questions as to jurisdiction in small causes.

6. (*1*) *Where* at any time before judgment a Court in which a suit has been instituted doubts whether the suit is cognizable by a Court of Small Causes or is not so cognizable, it may submit the record to the High Court with a statement of its reasons for the doubt as to the nature of the suit.

(*2*) On receiving the record and statement, the High Court may order the Court either to proceed with the suit or to return the plaint for presentation *to* such other Court as it may in its order declare to be competent to take cognizance of the suit.

Power to District Court to submit for revision proceedings had under mistake as to jurisdiction in small causes. [S. 646B.]

7. (1) *Where* it appears to a District Court that a Court subordinate thereto has, by reason of erroneously holding a suit to be cognizable by a Court of Small Causes or not to be so cognizable, failed to exercise a jurisdiction vested in it by law, or exercised a jurisdiction not so vested, the District Court may, and if required by a party shall, submit the record to the High Court with a statement of its reasons for considering the opinion of the subordinate Court with respect to the nature of the suit to be erroneous.

(*2*) On receiving the record and statement the High Court may *make* such order in the case as it thinks fit.

(*3*) With respect to any proceedings subsequent to decree in any case submitted to the High Court under this *rule,* the High Court may make such order as in the circumstance appears to it to be just and proper.

(*4*) A Court subordinate to a District Court shall comply with any requisition which the District Court may make for any record or information for the purposes of this *rule.*

ORDER XLVI.

Review.

Application for review of judgment. [S. 623.]

1. (*1*) Any person considering himself aggrieved—

(*a*) by a decree or order from which an appeal is hereby allowed, but from which no appeal has been preferred,

(*b*) by a decree or order from which no appeal is hereby allowed, or

(*c*) by a *decision* on a reference from a Court of Small Causes,

and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order.

(*2*) A party who is not appealing from a decree *or order* may apply for a review of judgment notwithstanding the pendency of an appeal by some other party except where the ground of such appeal is common to the applicant and the appellant, or when, being respondent, he can present to the Appellate Court the case on which he applies for the review.

To whom applications or review may be made. [S. 624.]

2. *An* application for review of a *decree or order* of a Court, *not being* a High Court, upon *some* ground *other than* the discovery of such new and important matter or evidence as *is referred to in rule 1 or on account of the existence of a* clerical or *arithmetical mistake or error* apparent on the face of the decree, shall be made *only* to the Judge *who passed the decree or made the order sought to be reviewed; but any such application may, if the Judge who passed the decree or made the order has ordered notice to issue under rule 4, sub-rule* (*2*), *proviso* (*a*), *be disposed of by his successor.*

Form of applications for review. [S. 625.]

3. The *provisions* as to the form of *preferring* appeals shall apply, *mutatis mutandis,* to applications for review.

Application where rejected. [S. 626.]

4. (*1*) *Where* it appears to the Court that there is not sufficient ground for a review, it shall reject the application.

Application when granted.

(*2*) *Where* the Court *is* of opinion that the application for review should be granted, it shall grant the same:

Provided that—

(*a*) no such application shall be granted without previous notice to the opposite party, to enable

The Code of Civil Procedure Bill.

(The First Schedule.)

(Orders XLVI-XLVIII.)

him to appear and be heard in support of the decree *or order*, a review of which is applied for: and

(*b*) no such application shall be granted on the ground of discovery of new matter or evidence which the applicant alleges was not within his knowledge, or could not be adduced by him, when the decree or order was passed *or made*, without strict proof of such allegation.

[S. 627.] Application for review in Court consisting of two or more Judges.

5. *Where* the Judge or Judges, or any one of the Judges, who passed the decree or *made the* order, a review of which is applied for, continues or continue attached to the Court at the time when the application for a review is presented, and is not or are not precluded by absence or other cause for a period of six months next after the application from considering the decree or order to which the application refers, such Judge or Judges or any of them shall hear the application, and no other Judge or Judges of the Court shall hear the same.

[S. 628.] Application when rejected.

6. (*1*) *Where* the application for a review *is* heard by more than one Judge and the Court *is* equally divided, the application shall be rejected.

(*2*) *Where* there *is* a majority, the decision shall be according to the opinion of the majority.

[S. 629.] Order of rejection not appealable. Objections to admission.

7. (*1*) An order of the Court rejecting the application shall *not* be *appealable*; but wherever such *an* application is admitted, the admission may be objected to on the ground that *the application* was—

(*a*) in contravention of the provisions of rule 2,

(*b*) in contravention of the provisions of rule 4, or

(*c*) after the expiration of the period of limitation prescribed therefor and without sufficient cause.

(*2*) Where the application has been rejected in consequence of the failure of the applicant to appear, he may apply for an order to have the rejected application restored to the file, and, *where* it *is* proved to the satisfaction of the Court that he was prevented by any sufficient cause from appearing when such application was called on for hearing, the Court may order it to be restored to the file upon such terms as to costs or otherwise as it thinks fit, and shall appoint a day for hearing the same.

(*3*) No order shall be made under this *rule* unless the applicant has served the opposite party with notice in writing of the latter application.

[S. 630.] Registry of application granted, and order for re-hearing.

8. When an application for review is granted, a note thereof shall be made in the register and the Court may at once re-hear the case or make such order in regard to the re-hearing as it thinks fit.

[S. 629, last para.] Bar of certain applications.

9. No application to review an order *made* on an application for a review *or a decree or order passed or made on a review* shall be entertained.

ORDER XLVII.

Miscellaneous.

[S. 93.] Process to be served at expense of party issuing.

1. (*1*) Every process issued under this Code shall be served at the expense of the party on whose behalf it is issued, unless the Court otherwise directs.

Costs of service.

(*2*) The court-fee chargeable for such service shall be *paid* within a time to be fixed before the process is issued.

Notices and orders in writing how served.

2. All notices and orders required by this Code to be given to or served on any person shall be in writing and shall be served in the manner hereinbefore provided for the service of summons. [S. 94.]

Postage.

3. Postage, where chargeable on a notice, summons or letter issued under this Code and forwarded by post, and the fee for registering the same, shall be paid within a time to be fixed before the communication is *made*: [S. 95.]

Provided that the Local Government, with the previous sanction of the Governor General in Council, may remit such postage, or fee, or both, or may prescribe a scale of court-fees to be levied in lieu thereof.

Special directions.

4. *The Court may either by the decree directing an account to be taken or by any subsequent order give special directions with regard to the mode in which the account is to be taken or vouched and in particular may direct that in taking the account the books of account in which the accounts in question have been kept shall be taken as primâ facie evidence of the truth of the matters therein contained with liberty to the parties interested to take such objection thereto as they may be advised.* [New.]

Use of forms in appendices.

5. The forms *given* in the *appendices*, with such variation as the circumstances of each case *may* require, shall be used for the purposes therein mentioned. [S. 644.]

ORDER XLVIII.

Chartered High Courts.

Who may serve processes of High Court.

1. Notices to produce documents, summonses to witnesses, and every other judicial process, issued in the exercise of original civil jurisdiction of the High Court, and of its matrimonial, testamentary and intestate jurisdictions, except summonses to defendants, writs of execution and notices under *rule 14 of Order XLI*, may be served by the attorneys in the suits, or by persons employed by them, or by such other persons as the High Court, by any rule or order, directs. [S. 636.]

Saving in respect of Chartered High Courts.

2. *Nothing in these rules shall be deemed to limit or otherwise affect any rules in force at the commencement of this Code for the taking of evidence or the recording of judgments and orders by a Chartered High Court.* [New.]

Application of rules.

3. The following portions of these rules shall not apply to any Chartered High Court in the exercise of its ordinary or extraordinary original civil jurisdiction, namely:— [S. 638.]

(*1*) *rule 10, rule 11, clauses* (*b*) *and* (*c*), *of Order VII*;

(*2*) *rule 3 of Order X*;

(*3*) *rule 2 of Order XVI*;

(*4*) *rules 5, 6, 8, 9, 10, 13, 14, 15 and 16 of Order XVIII*; *and*

(*5*) *rules 1 to 8 of Order XX.*

The Code of Civil Procedure Bill.

(The First Schedule.)

(Orders XLIX, L.)

ORDER XLIX.

Provincial Small Cause Courts.

[New.] *Provincial Small Cause Courts.* *1. The provisions hereinafter specified shall not extend to Courts constituted under the Provincial Small Cause Courts Act, 1887, or to Courts exercising the jurisdiction of a Court of Small Causes under that Act, that is to say—* IX of 1887.

(a) so much of the rules as relates to—

(i) suits excepted from the cognizance of a Court of Small Causes or the execution of decrees in such suits;

(ii) the execution of decrees against immoveable property or the interest of a partner in partnership property;

(iii) the settlement of issues; and

(b) the following rules and orders, that is to say—

Order II, r. 1 (frame of suit);

Order X, r. 3 (record of examination of parties);

Order XV, except so much of rule 4 as provides for the pronouncement at once of judgment;

Order XVIII, rules 5 to 12 (evidence);

Orders XL to XLIV (appeals);

Order XLVI, rules 2, 3, 5, 6, 7 (review);

Order L.

ORDER L.

Presidency Small Cause Courts.

[New.] *Presidency Small Cause Courts.* *1. Save as provided in rule 22 of Order V, rules 7 and 54 of Order XXI, and rule 4 of Order XXVI, and by the Presidency Small Cause Courts Act, 1882, this Schedule shall not extend to any suit or proceeding in any Court of Small Causes established in the towns of Calcutta, Madras and Bombay.* XV of 1882.

The Code of Civil Procedure Bill.

(The First Schedule.—Appendix A.—Pleadings.)

The First Schedule.

[New] **Forms.**

APPENDIX A.

PLEADINGS.

(1) TITLES OF SUITS.

IN THE COURT OF

A. B. *(add description and residence)* . . . . *Plaintiff,*

against

C. D. *(add description and residence)* . . . . *Defendant,*

---

(2) DESCRIPTION OF PARTIES IN PARTICULAR CASES.

The Secretary of State for India in Council.

The Advocate General of

The Collector of

The State of

The A. B. Company, Limited, having its registered office at

A. B., a public officer of the C. D. Company.

A. B. *(add description and residence)*, on behalf of himself and all other creditors of C. D., late of *(add description and residence)*.

A. B. *(add description and residence)*, on behalf of himself and all other holders of debentures issued by the Company, Limited.

The Official Receiver.

A. B. an infant *(add description and residence)* by C. D. [*or* by the Court of Wards], his next friend.

A. B. *(add description and residence)*, a person of unsound mind [*or* of weak mind], by C. D., his next friend.

A. B. a firm carrying on business in partnership at

A. B. *(add description and residence)*, by his constituted attorney C. D. *(add description and residence)*.

A. B. *(add description and residence)* Shebait of Thakur

A. B. *(add description and residence)*, executor of C. D., deceased.

A. B. (add description and residence) heir of C. D., deceased.

The Code of Civil Procedure Bill.

(*The First Schedule.—Appendix A.—Pleadings.*)

(3) PLAINTS.

No. 1.

MONEY LENT.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , he lent the defendant rupees repayable on the day of .

2. The defendant has not paid the same, except rupees paid on the day of 19 .

[*If the plaintiff claims exemption from any law of limitation, say* :—]

3. The plaintiff was a minor [*or* insane] from the day of till the day of

4. [*Facts showing when the cause of action arose and that the Court has jurisdiction.*]

5. The value of the subject-matter of the suit for the purpose of jurisdiction is rupees and for the purpose of court-fees is rupees.

6. The plaintiff claims rupees, with interest at per cent. from the day of 19 .

No. 2.

PRICE OF GOODS SOLD BY A FACTOR.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , he and *E. F.*, since deceased, delivered to the defendant [*one thousand barrels of flour, five hundred maunds of rice, or as the case may be*] for sale upon commission.

2. On the day of 19 [*or*, on some day unknown to the plaintiff, before the day of 19], the defendant sold the goods for rupees.

3. The commission and expenses of the defendant on the sale amount to rupees.

4. On the day of 19 , the plaintiff demanded from the defendant the proceeds of the goods.

5. He has not paid the same.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 3.

MONEY OVERPAID.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the plaintiff agreed to buy and the defendant agreed to sell bars of silver at annas per tola of fine silver.

2. The plaintiff procured the said bars to be assayed by *E. F.*, who was paid by the defendant for such assay, and *E. F.* declared each of the bars to contain 1,500 tolas of fine silver, and the plaintiff accordingly paid the defendant rupees.

3. Each of the said bars contained only 1,200 tolas of fine silver, of which fact the plaintiff was ignorant when he made the payment.

The Code of Civil Procedure Bill.

(The First Schedule.—Appendix A.—Pleadings.)

4. The defendant has not repaid the sum so overpaid.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 4.

MONEY PAID TO A THIRD PARTY AT THE DEFENDANT'S REQUEST.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , at the request [*or* by the authority] of the defendant, the plaintiff paid to *E. F.* rupees.

2. In consideration thereof, the defendant promised [*or* became bound] to pay the money to the plaintiff on demand [*or as the case may be*].

3. [On the day of 19 , the plaintiff demanded payment of the money from the defendant,] but the defendant has not paid the same.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

[NOTE.—If the request or authority is implied, the plaint should state facts raising the implication.)

No. 5.

GOODS SOLD AT A FIXED PRICE AND DELIVERED.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , *E. F.* sold and delivered to the defendant [one hundred barrels of flour, *or*, the goods mentioned in the schedule hereto annexed, *or* sundry goods].

2. The defendant promised to pay rupees for the said goods on delivery [*or* on the day of , *some day before the plaint was filed*].

3. He has not paid the same.

4. *E. F.* died on the day of 19 . By his last will he appointed his brother, the plaintiff, his executor.

[*As in paras. 4 and 5 of Form No. 1.*]

7. The plaintiff as executor of *E. F. claims* [*Relief claimed*].

No. 6.

GOODS SOLD AT A REASONABLE PRICE AND DELIVERED.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , plaintiff sold and delivered to the defendant [sundry articles of house-furniture], but no express agreement was made as to the price.

2. The goods were reasonably worth rupees.

3. The defendant has not paid the money.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 7.

GOODS DELIVERED TO A THIRD PARTY AT DEFENDANT'S REQUEST AT A FIXED PRICE.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , plaintiff sold to the defendant at one hundred barrels of flour], and, at the request of the defendant, delivered the same to *E. F.*

The Code of Civil Procedure Bill.

(The First Schedule.—Appendix A.—Pleadings.)

2. The defendant promised to pay to the plaintiff rupees for the goods.

3. He has not paid the same.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 8.

GOODS SOLD AT A FIXED PRICE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , at , the plaintiff sold to *E. F.*, since deceased [*all the crops then growing on his farm in*].

2. *E. F.* promised to pay the plaintiff rupees for the same.

3. E. F. did not pay the money.

4. The defendant is administrator of the estate of *E. F.*

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

·9·

GOODS SOLD T A REASONABLE PRICE.

(*Title.*)

A. B., the above-named plaintiff, states as follows : —

1. On the day of 19 , *E. F.* sold to the defendant [*all the fruit growing on his orchard in*], but no express agreement was made as to the price.

2. The goods were reasonably worth rupees.

3. The defendant has not paid the same.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 10.

GOODS MADE AT DEFENDANT'S REQUEST, AND NOT ACCEPTED.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , *E. F.* agreed with the plaintiff that the plaintiff should make for him [*six tables and fifty chairs*], and that *E. F.* should pay for the goods on delivery rupees.

2. The plaintiff made the goods, and on the day of 19 offered to deliver them to *E. F.*, and has ever since been ready and willing so to do.

3. *E. F.* has not accepted the goods or paid for them.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 11.

DEFICIENCY UPON A RE-SALE [GOODS SOLD AT AUCTION].

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the plaintiff put up at auction sundry [*goods*], subject to the condition that all goods not paid for and removed by the purchaser within [*ten days*] after the sale should be re-sold by auction on his account, of which condition the defendant had notice.

2. The defendant purchased [*one crate of crockery*] at the auction at the price of rupees.

3. The plaintiff was ready and willing to deliver the goods to the defendant on the date of the sale and for [*ten days*] after.

4. The defendant did not take away the goods purchased by him, nor pay for them within [*ten days*] after the sale, nor afterwards.

The Code of Civil Procedure Bill.

(*The First Schedule.—Appendix A.—Pleadings.*)

5. On the day of 19 , the plaintiff re-sold the [*crate of crockery*], on account of the defendant, by public auction, for rupees.

6. The expenses attendant upon such re-sale amounted to rupees.

7. The defendant has not paid the deficiency thus arising, amounting to rupees.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 12.

PURCHASE-MONEY OF IMMOVEABLE PROPERTY SOLD.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the plaintiff sold to the defendant [the house and compound No. , in the city of , *or*, a farm known as , in *or*, a piece of land lying, *etc.*].

2. The transfer was effected as follows (*state how*).

3. The defendant promised to pay the plaintiff rupees for the [house and compound, *or* farm, *or* land].

4. He has not paid the same.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 13.

SERVICES AT A FIXED RATE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the defendant [hired plaintiff, as a clerk, at the salary of rupees per year].

2. From that date until the day of 19 , the plaintiff served the defendant as his [clerk].

3. The defendant has not paid the plaintiff his salary.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 14.

SERVICES AT A REASONABLE RATE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. Between the day of 19 , and the day of 19 , at , plaintiff [executed sundry drawings, designs and diagrams] for the defendant, at his request; but no express agreement was made as to the sum to be paid for such services.

2. The services were reasonably worth rupees.

3. The defendant has not paid the money.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 15.

SERVICES AND MATERIALS AT A FIXED COST.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the plaintiff [furnished the paper for and printed one thousand copies of a book called] for the defendant, at his request [and delivered the same to him].

2. The defendant promised to pay rupees for the work done and materials supplied.

3. He has not paid the money.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

The Code of Civil Procedure Bill.

(The First Schedule.—Appendix A.—Pleadings.)

No. 16.

SERVICES AND MATERIALS AT A REASONABLE COST.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , at , the plaintiff built a house [known as No. , in], and furnished the materials therefor, for the defendant, at his request, but no express agreement was made as to the amount to be paid for such work and materials.

2. The work done and materials supplied were reasonably worth rupees.

3. The defendant has not paid the money.

[As in paras. 4 and 5 of Form No. 1, and Relief claimed.]

No. 17.

RENT RESERVED BY A LEASE.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , at , the defendant accepted a lease from the plaintiff, and the original document is hereto annexed.

[Or state the substance of the contract.]

2. The defendant has not paid the rent of the [month] ending on the day of 19 , amounting to rupees.

[As in paras. 4 and 5 of Form No. 1, and Relief claimed.]

Another form.

1. The plaintiff let to the defendant a house, No. 27, Chowringhee, for seven years from the day of 19 , at rupees a year, payable quarterly.

2. The rent of quarters are due and unpaid.

[As in paras. 4 and 5 of Form No. 1, and Relief claimed.]

No. 18.

RENT RESERVED OTHERWISE THAN BY A WRITTEN LEASE.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the defendant hired from the plaintiff the house No. , Street], at the rent of [rupees, payable on the first day of

2. The defendant occupied the premises from the day of 19 to the day of 19 .

3. The defendant has not paid rupees, being the part of the rent due on the first day of 19 .

[As in paras. 4 and 5 of Form No. 1, and Relief claimed.]

No. 19.

USE AND OCCUPATION.

(Title.)

A. B., the above-named plaintiff, executor of the will of *X. Y.*, deceased, states as follows :—

1. That the defendant occupied the [house No. , Street], by permission of the said *X. Y.*, from the day of 19 , until the day of 19 , and no agreement was made as to payment for the use of the said premises.

2. That the use of the said premises for the said period was reasonably worth rupees.

3. The defendant has not paid the money.

[As in paras 4 and 5 of Form No. 1.]

6. The plaintiff as executor of X. Y. claims *[Relief claimed]*.

The Code of Civil Procedure Bill.

(*The First Schedule.—Appendix A.—Pleadings.*)

No. 20.

BOARD AND LODGING.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. From the day of 19 , until the day of 19 , the defendant, at his request, was permitted by the plaintiff to occupy certain rooms in the house [No. , Street] and was furnished by the plaintiff with meat, drink, attendance and other necessaries.

2. In consideration thereof, the defendant promised to pay [*or*, No agreement was made as to payment but the board and lodging supplied were reasonably worth the sum of rupees.

3. The defendant has not paid the money.

[*As in paras. 4 and 5 of Form No. 1 and Relief claimed.*]

No. 21.

FREIGHT OF GOODS.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , plaintiff transported in his barge [or otherwise] [one thousand barrels of flour, or sundry goods], from to , at the request of the defendant.

2. The defendant promised to pay the plaintiff the sum of [one rupee per barrel] as freight [*or*, no agreement was made as to payment for such transportation, but such transportation was reasonably worth rupees].

3. The defendant has not paid the money.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 22.

PASSAGE-MONEY.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , plaintiff conveyed the defendant [in his ship, called the], from to at his request.

2. The defendant promised to pay the plaintiff rupees therefor [*or*, no agreement was made as to the price of the said passage, but the passage was reasonably worth rupees].

3. That the defendant has not paid the money.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 23.

ON AN AWARD.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the plaintiff and defendant, having a difference between them concerning [a demand of the plaintiff for the price of ten barrels of oil, whic the defendant refused to pay], agreed in writing to submit the difference to the arbitration of *E. F.* and *G. H.*, and the original document is annexed hereto.

2. On the day of 19 , the arbitrators awarded that the defendant should pay the plaintiff rupees].

3. The defendant has not paid the money.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

The Code of Civil Procedure Bill.

(*The First Schedule.—Appendix A.—Pleadings.*)

No. 24.

ON A FOREIGN JUDGMENT.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

On the day of 19 , at in, the State [*or* Kingdom], of , the Court of that State [*or* Kingdom], in a suit therein pending between the plaintiff and the defendant, duly adjudged that the defendant should pay to the plaintiff rupees, with interest from the said date.

2. The defendant has not paid the money.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 25.

ON AN ANNUITY BOND.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the defendant by his bond became bound to the plaintiff in the sum of rupees to be paid by the defendant to the plaintiff, subject to a condition that if the defendant should pay to the plaintiff rupees half-yearly on the day of and the day of in every year during the life of the plaintiff, the bond should be void.

2. Afterwards, on the day of 19 , the sum of rupees or of the half-yearly payments of the annuity, became due to the plaintiff and is still unpaid.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 26.

PAYEE AGAINST MAKER.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the defendant, by his promissory note, now overdue, promised to pay to the plaintiff rupees [days] after date.

2. He has not paid the same [except rupees, paid on the day of 19].

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

[*Where the note is payable after notice, for paragraphs 1 and 2 substitute*—]

1. On the day of 19 the defendant, by his promissory note, promised to pay to the plaintiff rupees months after notice.

2. Notice was afterwards given by the plaintiff to the defendant to pay the same months after the said notice.

3. The time for payment has elapsed, but the defendant has not paid the same.

[*Where the note is payable at a particular place, say*—]

1. On the day of 19 , the defendant, by his promissory note, now overdue, promised to pay to the plaintiff [at Messrs. *A.* & *Co.*, Bombay] rupees months after date.

2. The note was duly presented for payment [at Messrs. *A.* & *Co.'s*] aforesaid, but has not been paid.

No. 27.

FIRST INDORSEE AGAINST MAKER.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the defendant, by his promissory note, now overdue, promised to pay to the order of *E. F.* [*or* to *E. F.* or order], rupees [days after date].

The Code of Civil Procedure Bill.

(*The First Schedule.—Appendix A.—Pleadings.*)

2. *E. F.* indorsed the same to the plaintiff.

3. The defendant has not paid the same.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 28.

SUBSEQUENT INDORSEE AGAINST MAKER.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. [*As in the last preceding form.*]

2. The same was, by the indorsement of *E. F.* and of *G. H.* and *I. J.* [*or* and others] transferred to the plaintiff.

3. The defendant has not paid the same.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 29.

FIRST INDORSEE AGAINST FIRST INDORSER.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. *E. F.*, on the day of 19 , by his promissory note, now overdue, promised to pay to the defendant or order rupees months after date.

2. The defendant indorsed the same to the plaintiff.

3. On the day of 19 , the same was duly presented for payment, but was not paid. [*Or state facts excusing want of presentment.*]

4. The defendant had notice thereof.

5. He has not paid the same.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 30.

SUBSEQUENT INDORSEE AGAINST FIRST INDORSER; THE INDORSEMENT BEING SPECIAL.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. The defendant indorsed to *E. F.* a promissory note, now overdue, made [*or* purporting to have been made] by *G. H.*, on the day of 19 at , to the order of the defendant, for the sum of rupees [payable days after date].

2. The same was, by the indorsement of *E. F.* [and others], transferred to the plaintiff [*or, E. F.* indorsed the same to the plaintiff].

3, 4 and 5. [*Same as 3, 4 and 5 of the last preceding form.*]

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 31.

SUBSEQUENT INDORSEE AGAINST HIS IMMEDIATE INDORSER.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. The defendant indorsed to him a promissory note, now overdue, made [*or* purporting to have been made] by *E. F.*, on the day of 19 , at , to the order of *G. H.*, for the sum of rupees [payable days after date], and indorsed by *G. H.* to the defendant.

2, 3 and 4. [*Same as in 3, 4 and 5 in form No. 30.*]

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 32.

SUBSEQUENT INDORSEE AGAINST INTERMEDIATE INDORSER.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. A promissory note, now overdue, made [*or* purporting to have been made] by *E. F.*, on the day of 19 , at , to the order of *G. H.*, for the sum of rupees [payable days after date], and indorsed by *G. H.* to the defendant, was by the indorsement of the defendant [and others] transferred to the plaintiff.

The Code of Civil Procedure Bill.

(*The First Schedule.—Appendix A.—Pleadings.*)

2, 3 and 4. [*As in No. 30.*]

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 33.

SUBSEQUENT INDORSEE AGAINST MAKER AND FIRST AND SECOND INDORSER.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the defendant, *C. D.*, by his promissory note, now overdue, promised to pay to the order of the defendant, *E. F.*, rupees [months after date].

2. *F. F.* indorsed the same to the defendant, *G. H.*, who indorsed it to the plaintiff.

3. On the day of 19 , the same was presented [*or state facts excusing want of presentment*] to *C. D.* for payment, but was not paid.

4. *E. F.* and *G. H.* had notice thereof.

5. They have not paid the same.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 34.

DRAWER AGAINST ACCEPTOR.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , by his bill of exchange, now overdue, the plaintiff required the defendant to pay to him rupees [days after date, or sight, thereof].

2. The defendant accepted the bill. [*If the bill is payable at a certain time after sight, the date of acceptance should be stated ; otherwise it is not necessary.*]

3. He has not paid the same.

4. By reason thereof the plaintiff incurred expenses in and about the presenting and noting of the bill, and incidental to the dishonour thereof.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

[*Where the bill is payable to a third party, for paragraphs 1, 2, 3, say—*]

1. On, &c., by his bill of exchange, now overdue, directed to the defendant, the plaintiff required the defendant to pay to *E. F.* or order rupees months after date.
2. The plaintiff delivered the bill to *E. F.* on .
3. The defendant accepted the bill, but did not pay the same, whereupon the same was returned to the plaintiff.

No. 35.

PAYEE AGAINST ACCEPTOR.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the defendant accepted a bill of exchange, now overdue, made [*or* purporting to have been made] by *E. F.*, on the day of 19 , at , requiring the defendant to pay to the plaintiff rupees after sight thereof.

2. He has not paid the same.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 36.

FIRST INDORSEE AGAINST ACCEPTOR.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the defendant accepted a bill of exchange, now overdue, made [*or* purporting to have been made] by *E. F.*, on the day of 19 , at , requiring the defendant to pay to the order of *G. H* rupees after sight thereof.

The Code of Civil Procedure Bill.

(The First Schedule.—Appendix A.—Pleadings.)

2. *G. H.* indorsed the same to the plaintiff.

3. The defendant has not paid the same.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 37.

SUBSEQUENT INDORSEE AGAINST ACCEPTOR.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. [*As in the last preceding form to the end of article 1.*]

2. By the endorsement of *G. H.* [and others], the same was transferred to the plaintiff.

3. The defendant has not paid the same.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 38.

PAYEE AGAINST DRAWER FOR NON-ACCEPTANCE.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. On the day of 19 , the defendant, by his bill of exchange, directed to *E. F.*, required *E. F.* to pay to the plaintiff rupees [days after sight].

2. On the day of 19 , the same was duly presented to *E. F.* for acceptance, and was dishonoured.

3. The defendant had due notice thereof.

4. He has not paid the same.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 39.

FIRST INDORSEE AGAINST FIRST INDORSER.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. The defendant indorsed to the plaintiff a bill of exchange, now overdue, made [*or* purporting to have been made] by *E. F.*, on the day of 19 , at , requiring one *G. H.* to pay to the order of the defendant rupees [days] after sight [*or* after date, *or* at sight] thereof [and accepted by the said *G. H.* on the day of 19 .]

2. On the day of 19 , the same was presented to the said *G. H.* for payment, and was dishonoured.

3. The defendant had due notice thereof.

4. He has not paid the same.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 40.

SUBSEQUENT INDORSEE AGAINST FIRST INDORSER; THE INDORSEMENT BEING SPECIAL.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. The defendant indorsed to *E. F.* a bill of exchange, now overdue, made [*or* purporting to have been made] by *G. H.*, on the day of 19 , at , requiring one *I. J.* to pay to the order of the defendant rupees days after sight thereof [*or otherwise*], and accepted by *I. J.* on the day of 19 . [*This clause may be omitted if not according to the facts.*]

2. The same was, by the indorsement of *E. F.* [and others], transferred to the plaintiff.

3. On the day of 19 , the same was presented to *I. J.* for payment, and was dishonoured.

4. The defendant had due notice thereof.

5. He has not paid the same.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 41.

SUBSEQUENT INDORSEE AGAINST HIS IMMEDIATE INDORSER.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. The defendant indorsed to plaintiff a bill of exchange, now overdue, made [*or* purporting to have been made] by *E. F.*, on the day of 19 , at , requiring one

The Code of Civil Procedure Bill.

(*The First Schedule.—Appendix A.—Pleadings.*)

G. H. to pay to the order of *I. J.* rupees days after the sight thereof [*or otherwise*], [accepted by *G. H.*] and indorsed by *I. J.* to the defendant.

2. On the day of 19 , the same was presented to *G. H.* for payment, and was dishonoured.

3. The defendant had due notice thereof.

4. He has not paid the same.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 42.

SUBSEQUENT INDORSEE AGAINST INTERMEDIATE INDORSER.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. A bill of exchange, now overdue, made [*or* purporting to have been made] by *E. F.*, on the day of 19 , at , requiring *G. H.* to pay to the order of *I. J.* rupees days after sight thereof [*or otherwise*], [accepted by *G. H.*] and indorsed by *I. J.* to the defendant, was, by the indorsement of the defendant [and others] transferred to the plaintiff.

2. On the day of 19 , the same was presented to *G. H.* for payment and was dishonoured.

3. The defendant had due notice thereof.

4. He has not paid the same.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 43.

INDORSEE AGAINST DRAWER, ACCEPTOR AND INDORSER.

IN THE COURT OF , AT

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the defendant *C. D.*, by his bill of exchange, now overdue, directed to the defendant *E. F.*, required *E. F.* to pay to the order of the defendant *G. H.* rupees [days after sight thereof].

2. On the day of 19 , the said *E. F.* accepted the same.

3. *G. H.* indorsed the same to the plaintiff.

4. On the day of 19 , the same was presented to *E. F.* for payment, and was dishonoured.

5. The other defendants had due notice thereof.

6. They have not paid the same.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 44.

PAYEE AGAINST DRAWER FOR NON-ACCEPTANCE OF A FOREIGN BILL.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the defendant, by his bill of exchange, drawn in Calcutta, required *E. F.* to pay to the plaintiff in [London] pounds sterling, [sixty days] after sight thereof.

2. On the day of 19 , the same was presented to *E. F.* for acceptance, and was dishonoured, and was thereupon duly protested.

3. The defendant had due notice thereof.

4. He has not paid the same.

5. The value of pounds sterling, at the time of the service of notice or protest on the defendant, was rupees annas.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 45.

PAYEE AGAINST ACCEPTOR.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , at , *E. F.*, by his bill of exchange, now overdue, directed to the defendant, required the defendant to pay to the plaintiff rupees after date [*or* days after sight].

2. On the day of 19 , the defendant accepted the bill.

3. He has not paid the same.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

The Code of Civil Procedure Bill.

(*The First Schedule.—Appendix A.—Pleadings.*)

No. 46.

ON A FIRE-INSURANCE POLICY.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. The plaintiff [was the owner of, *or*] had an interest in a [dwelling-house, known as No. Street, in the city of ,] at the time of its destruction [*or*, injury] by fire as hereinafter mentioned.

2. On the day of 19 , in consideration of rupees [to them paid], the defendants executed to the plaintiff a policy of insurance on the [premises], and the original document is hereto annexed [*or state its tenor*].

3. On the day of 19 , the [dwelling-house] was totally destroyed [*or* greatly damaged] by fire.

4. The plaintiff's loss thereby was rupees.

5. On the day of 19 , he furnished the defendants with proof of his said loss and interest, and otherwise duly performed all the conditions of the policy on his part.

6. The defendants have not paid the loss.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 47.

AGAINST SURETY FOR PAYMENT OF RENT.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , *E. F.* hired from the plaintiff for the term of years, the [house No. , Street, at the annual rent of rupees, payable [monthly].

2. The defendant agreed, in consideration of the letting of the premises to *E. F.*, to guarantee the punctual payment of the rent.

3. The rent for the month of 19 , amounting to rupees, has not been paid.

[*If, by the terms of the agreement, notice is required to be given to the surety, add : —*]

4. On the day of 19 , the plaintiff gave notice to the defendant of the non-payment of the rent, and demanded payment thereof.

5. The defendant has not paid the same.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 48.

BREACH OF AGREEMENT TO PURCHASE LAND.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the plaintiff and defendant entered into an agreement, and the original document is hereto annexed.

[*Or*, on the day of 19 , the plaintiff and defendant mutually agreed that the plaintiff should sell to the defendant and that the defendant should purchase from the plaintiff forty bighas of land in the village of for rupees].

2. On the day of 19 , the plaintiff, being then the absolute owner of the property [and the same being free from all incumbrances as was made to appear to the defendant], tendered to the defendant a sufficient instrument of transfer of the same [*or*, was ready and willing, and is still ready and willing, and offered, to transfer the same to the defendant by a sufficient instrument] on the payment by the defendant of the sum agreed upon.

3. The defendant has not paid the money.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 49.

Another Form.

NOT COMPLETING A PURCHASE OF IMMOVEABLE PROPERTY.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. By an agreement dated the day of 19 , it was agreed by and between the plaintiff and the defendant that the plaintiff should sell to the defendant and the defendant should purchase from the plaintiff a house and land at the price of rupees, upon the terms and conditions following (that is to say) :—

(*a*) That the defendant should pay the plaintiff a deposit of rupees in part of the purchase-money on the signing of the agreement, and the remainder on the day of 19 , on which day the purchase should be completed.

The Code of Civil Procedure Bill.

(*The First Schedule.—Appendix A.—Pleadings.*)

(*b*) That the plaintiff should deduce and make a good title to the said premises on or before the day of 19 , and on payment of the remainder of the purchase-money as aforesaid should transfer the premises to the defendant by a sufficient instrument, to be prepared at the defendant's expense.

2. All conditions were fulfilled, and all things happened and all times elapsed necessary to entitle the plaintiff to have the agreement performed by the defendant on his part; yet the defendant did not pay the plaintiff the remainder of the purchase-money as aforesaid on his part.

3. The plaintiff has thereby lost the expense which he incurred in preparing to perform the agreement on his part, and has been put to expense in endeavouring to procure the performance thereof by the defendant.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 50.

NOT DELIVERING GOODS SOLD.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the plaintiff and defendant mutually agreed that the defendant should deliver [one hundred barrels of flour] to the plaintiff on the day of 19], and that the plaintiff should pay therefor rupees on delivery.

2. On the [said] day the plaintiff was ready and willing, and offered, to pay the defendant the said sum upon delivery of the goods.

3. The defendant has not delivered the goods, and the plaintiff has been deprived of the profits which would have accrued to him from such delivery.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 51.

WRONGFUL DISMISSAL.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the plaintiff and defendant mutually agreed that the plaintiff should serve the defendant as [an accountant, *or*, in the capacity of foreman, *or as the case may be*], and that the defendant should employ the plaintiff as such for the term of [one year] and pay him for his services rupees (monthly).

2. On the day of 19 , the plaintiff entered upon the service of the defendant and has ever since been, and still is, ready and willing to continue in such service during the remainder of the said year whereof the defendant always has notice.

3. On the day of 19 , the defendant wrongfully discharged the plaintiff, and refused to permit him to serve as aforesaid, or to pay him for his services.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 52.

BREACH OF CONTRACT TO EMPLOY.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. [*As in last preceding Form.*]

2. On the day of 19 , the plaintiff offered to enter upon the service of the defendant, and has ever since been, and still is, ready and willing so to do.

3. The defendant refused to permit the plaintiff to enter upon such service, or to pay him for his services.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 53.

BREACH OF CONTRACT TO SERVE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the plaintiff and defendant mutually agreed that the plaintiff should employ the defendant at an [annual] salary of rupees, and that the defendant should serve the plaintiff as [an artist] for the term of [one year].

2. The plaintiff has always been ready and willing to perform his part of the agreement [and on the day of 19 , offered so to do].

3. The defendant [entered upon] the service of the plaintiff on the above-mentioned day, but afterwards, on the day of 19 , he refused to serve the plaintiff as aforesaid.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

The Code of Civil Procedure Bill.

(The First Schedule.—Appendix A.—Pleadings.)

No. 54.

AGAINST A BUILDER FOR DEFECTIVE WORKMANSHIP.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the plaintiff and defendant entered into an agreement, and the original document is hereto annexed. [*Or state the tenor of the contract.*]

[2. The plaintiff duly performed all the conditions of the agreement on his part.]

3. The defendant [built the house referred to in the agreement in a bad and unworkmanlike manner].

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 55.

ON A BOND FOR THE FIDELITY OF A CLERK.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the plaintiff took *E. F.* into his employment as a clerk.

2. In consideration thereof, on the day of 19 , the defendant agreed with the plaintiff that if *E. F.* should not faithfully perform his duties as a clerk to the plaintiff, or should fail to account to the plaintiff for all moneys, evidences of debt or other property received by him for the use of the plaintiff, the defendant would pay to the plaintiff whatever loss he might sustain by reason thereof, not exceeding rupees.

[*Or*, 2. In consideration thereof, the defendant by his bond of the same date bound himself to pay the plaintiff the penal sum of rupees, subject to the condition that if *E. F.* should faithfully perform his duties as clerk and cashier to the plaintiff and should justly account to the plaintiff for all moneys, evidences of debt or other property which should be at any time held by him in trust for the plaintiff, the bond should be void.]

[*Or*, 2. In consideration thereof, on the same date the defendant executed a bond in favour of the plaintiff, and the original document is hereto annexed.]

3. Between the day of 19 and the day of 19 *E. F.* received money and other property, amounting to the value of rupees, for the use of the plaintiff, for which sum he has not accounted to him, and the same still remains due and unpaid.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 56.

BY TENANT AGAINST LANDLORD, WITH SPECIAL DAMAGE.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the defendant, by a registered instrument, let to the plaintiff [the house No. , Street], for the term of years, contracting with the plaintiff that he, the plaintiff, and his legal representatives should quietly enjoy possession thereof for the said term.

2. All conditions were fulfilled and all things happened necessary to entitle the plaintiff to maintain this suit.

3. On the day of during the said term, *E. F.*, who was the lawful owner of the said house, lawfully evicted the plaintiff therefrom, and still withholds the possession thereof from him.

4. The plaintiff was thereby [prevented from continuing the business of a tailor at the said place, was compelled to expend rupees in moving, and lost the custom of *G. H.* and *I. J.* by such removal].

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 57.

BREACH OF WARRANTY OF MOVEABLES.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the defendant warranted a steam-engine to be in good working order, and thereby induced the plaintiff to purchase the same of him, and to pay him rupees therefor.

2. The engine was not then in good working order, whereby the plaintiff incurred expense in having the engine repaired, and lost the profits which could otherwise have accrued to him while the engine was under repair.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

The Code of Civil Procedure Bill.

(*The First Schedule.—Appendix A.—Pleadings.*)

No. 58.

ON AN AGREEMENT OF INDEMNITY.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the plaintiff and defendant, being partners in trade under the style of *A. B. & C. D.*, dissolved the partnership, and mutually agreed that the defendant should take and keep all the partnership property, pay all debts of the firm, and indemnify the plaintiff against all claims that might be made upon him on account of any indebtedness of the firm.

2. The plaintiff duly performed all the conditions of the agreement on his part.

3. On the day of 19 , [a judgment was recovered against the plaintiff and defendant by *E. F.*, in the High Court of Judicature at , upon a debt due from the firm to *E. F.*, and on the day of 19 ,] the plaintiff paid rupees [in satisfaction of the same].

4. The defendant has not paid the same to the plaintiff.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 59.

TRESPASS ON LAND.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the defendant entered upon certain land of the plaintiff, known as , [and grazed cattle upon it, trod down the grass, cut the timber and otherwise injured the same].

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 60.

TRESPASS IN ENTERING A DWELLING-HOUSE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. The defendant entered a dwelling-house of the plaintiff, called , and made a noise, and disturbance therein for a long time, and broke open the doors of the dwelling-house, and removed, took and carried away the fixtures and goods of the plaintiff therein, and disposed of the same to the defendant's own use, and expelled the plaintiff and his family from the possession of the said dwelling-house, and kept them so expelled for a long time.

2. The plaintiff was thereby prevented from carrying on his business and incurred expense in procuring another dwelling-house for himself and family.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 61.

TRESPASS ON MOVEABLES.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the defendant broke open ten barrels of rum belonging to the plaintiff, and emptied their contents into the street [*or*, seized and took the plaintiff's goods, that is to say, iron, rice and household furniture, *or as the case may be*], and carried away the same and disposed of them to his own use.

[*Or*, seized and took the plaintiff's cows and bullocks, and impounded them and kept them impounded for a long time.]

2. The plaintiff was thereby deprived of the use of the cows and bullocks during that time, and incurred expense in feeding them and in getting them restored to him; and was also prevented from selling them at fair, as he otherwise would have done, and the said cows and bullocks are diminished in value to the plaintiff [*otherwise, state the injury according to the facts*].

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 62.

CONVERSION OF MOVEABLE PROPERTY.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , plaintiff was in possession of certain goods described in the schedule hereto annexed [*or*, of one thousand barrels of flour].

The Code of Civil Procedure Bill.

(The First Schedule.—Appendix A.—Pleadings.)

On that day, at , the defendant converted the same to his own use, and wrongfully deprived the plaintiff of the use and possession of the same.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

The Schedule.

No. 63.

AGAINST A WAREHOUSEMAN FOR REFUSAL TO DELIVER GOODS.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. On the day of 19 , the defendant, in consideration of the payment to him of rupees [*or*, rupees per barrel, per month, etc., agreed to keep in his godown [one hundred barrels of flour] and to deliver the same to the plaintiff on demand [*or* on payment of the said sum].

2. Thereupon the plaintiff deposited with the defendant the said [hundred barrels of flour].

3. On the day of 19 , the plaintiff requested the defendant to deliver the goods, and tendered him rupees [*or*, the full amount of storage due thereon], but the defendant refused to deliver the same.

4. The plaintiff was thereby prevented from selling the goods to *E. F.*, and the defendant still detains the goods and refuses to give them up to the plaintiff.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 64.

PROCURING PROPERTY BY FRAUD.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. On the day of 19 , the defendant, for the purpose of inducing the plaintiff to sell him certain goods, represented to the plaintiff that [he, the defendant, was solvent, and worth rupees over all his liabilities].

2. The plaintiff was thereby induced to sell [and deliver] to the defendant [dry goods] of the value of rupees.

3. The said representations were false [*or*, *state the particular falsehoods*] and were then known by the defendant to be so.

4. The defendant has not paid for the goods. [*Or, if the goods were not delivered.* The plaintiff, in preparing and shipping the goods and procuring their restoration, expended rupees.]

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 65.

FRAUDULENTLY PROCURING CREDIT TO BE GIVEN TO ANOTHER PERSON.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. On the day of 19 , the defendant represented to the plaintiff that *E. F.* was solvent and in good credit, and worth rupees over all his liabilities [*or*, that *E. F.* then held a responsible situation and was in good circumstances, and might safely be trusted with goods on credit].

2. The plaintiff was thereby induced to sell to *E. F.* [rice] of the value of rupees [on month's credit].

3. The said representations were false and were then known by the defendant to be so, and were made by him with intent to deceive and defraud the plaintiff [*or*, to deceive and injure the plaintiff].

4. *E. F.* [did not pay for the said goods at the expiration of the credit aforesaid, *or*] has not paid for the said rice, and the plaintiff has wholly lost the same.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 66.

POLLUTING THE WATER UNDER THE PLAINTIFF'S LAND.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. He is, and at all the times hereinafter mentioned was, possessed of certain land called and situate in , and of a well therein, and of water in the well, and was entitled to the use and benefit of the well and of the water therein, and to have certain springs and streams of water which flowed and ran into the well to supply the same to flow or run without being fouled or polluted.

The Code of Civil Procedure Bill.

(The First Schedule.—Appendix A.—Pleadings.)

2. On the day of 19 , the defendant wrongfully fouled and polluted the well and the water therein and the springs and streams of water which flowed into the well.

3. In consequence the water in the well became impure and unfit for domestic and other necessary purposes, and the plaintiff and his family are deprived of the use and benefit of the well and water.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 67.

CARRYING ON A NOXIOUS MANUFACTURE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. The plaintiff is, and at all the times hereinafter mentioned was, possessed of certain lands called , situate in .

2. Ever since the day of 19 , the defendant has wrongfully caused to issue from certain smelting works carried on by the defendant large quantities of offensive and unwholesome smoke and other vapours and noxious-matter, which spread themselves over and upon the said lands, and corrupted the air, and settled on the surface of the lands.

3. Thereby the trees, hedges, herbage and crops of the plaintiff growing on the lands were damaged and deteriorated in value, and the cattle and live-stock of the plaintiff on the lands became unhealthy, and many of them were poisoned and died.

4. the plaintiff was unable to graze the lands with cattle and sheep as he otherwise might have done, and was obliged to remove his cattle, sheep and farming-stock therefrom, and has been prevented from having so beneficial and healthy a use and occupation of the lands as he otherwise would have had.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 68.

OBSTRUCTING A RIGHT OF WAY.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. The plaintiff is, and at the time hereinafter mentioned was, possessed of [a house in the village of].

2. He was entitled to a right of way from the [house] over a certain field to a public highway and back again from the highway over the field to the house, for himself and his servants [with vehicles, *or*, on foot] at all times of the year.

3. On the day of 19 , defendant wrongfully obstructed the said way, so that the plaintiff could not pass [with vehicles, *or*, on foot, *or*, in any manner] along the way [and has ever since wrongfully obstructed the same].

4. (*State special damage if any.*)

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 69.

OBSTRUCTING A HIGHWAY.

(*Title.*)

1. The defendant wrongfully dug a trench and heaped up earth and stones in the public highway leading from to so as to obstruct it.

2. Thereby the plaintiff, while lawfully passing along the said highway, fell over the said earth and stones [*or*, into the said trench] and broke his arm, and suffered great pain, and was prevented from attending to his business for a long time, and incurred expense for medical attendance.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 70.

DIVERTING A WATER-COURSE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. The plaintiff is, and at the time hereinafter mentioned was, possessed of a mill situated on a [stream] known as the , in the village of , district of .

2. By reason of such possession the plaintiff was entitled to the flow of the stream for working the mill.

3. On the day of 19 , the defendant, by cutting the bank of the stream, wrongfully diverted the water thereof, so that less water ran into the plaintiff's mill.

4. By reason thereof the plaintiff has been unable to grind more than sacks per day, whereas, before the said diversion of water, he was able to grind sacks per day.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

The Code of Civil Procedure Bill.

(*The First Schedule.—Appendix A.—Pleadings.*)

No. 71.

OBSTRUCTING A RIGHT TO USE WATER FOR IRRIGATION.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. Plaintiff is, and was at the time hereinafter mentioned, possessed of certain lands situate, etc., and entitled to take and use a portion of the water of a certain stream for irrigating the said lands.

2. On the day of 19 , the defendant prevented the plaintiff from taking and using the said portion of the said water as aforesaid, by wrongfully obstructing and diverting the said stream.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 72.

WASTE BY A LESSEE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 the defendant hired from him [the house No. , Street] for the term of .

2. The defendant occupied the same under such hiring.

3. During the period of such occupation the defendant greatly injured the premises [defaced the walls, tore up the floors and broke down the doors; *or otherwise specify the injuries as far as possible*].

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 73.

ASSAULT AND BATTERY.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the defendant assaulted and beat him.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 74.

ASSAULT AND BATTERY, WITH SPECIAL DAMAGE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the defendant assaulted and beat him until he became insensible.

2. The plaintiff was thereby disabled from attending to his business for [six weeks thereafter] and was compelled to pay rupees for medical attendance, and has been ever since disabled [from using his right arm]. [*Or otherwise state the damage, as the case may be.*]

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 75.

ASSAULT AND FALSE IMPRISONMENT.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the defendant assaulted the plaintiff and imprisoned for days [*or*, hours]; [*state special damage, if any, thus* ;—]

2. By reason thereof the plaintiff suffered great pain of body and mind and was exposed and injured in his credit and circumstances, and was prevented from carrying on his business and from providing for his family by his personal care and attention, and incurred expense in obtaining his liberation from the said imprisonment [*or otherwise as the case may be*].

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 76.

INJURIES CAUSED BY NEGLIGENCE ON A RAILROAD.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 the defendants were common carriers of passengers by railway between and .

2. On that day the plaintiff was a passenger in one of the carriages of the defendants on the said railway.

The Code of Civil Procedure Bill.

(The First Schedule.—Appendix A.—Pleadings.)

3. While he was such passenger, at [*or*, near the station of *or*, between the stations of and], a collision occurred on the said railway, caused by the negligence and unskilfulness of the defendants' servants, whereby the plaintiff was much injured [having his leg broken, his head cut, etc., *and state the special damage, if any, as*], and incurred expense for medical attendance, and is permanently disabled from carrying on his former business as [a salesman].

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

[*Or thus* :— 2. On that day the defendants by their servants so negligently and unskilfully drove and managed an engine and a train of carriages attached thereto upon and along the defendants' railway which the plaintiff was then lawfully crossing, that the said engine and train were driven and struck against the plaintiff, whereby, etc., *as in* § *3*.]

No. 77.

INJURIES CAUSED BY NEGLIGENT DRIVING.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. The plaintiff is a shoemaker, carrying on business at . The defendant is a merchant of .

2. On the day of , 19 , the plaintiff was walking southward along Chowringhee, in the City of Calcutta, at about 3 o'clock in the afternoon. He was obliged to cross Middleton Street, which is a street running into Chowringhee at right angles. While he was crossing this street, and just before he could reach the foot-pavement on the further side thereof, a carriage of the defendant's, drawn by two horses under the charge and control of the defendant's servants, was negligently, suddenly and without any warning turned at a rapid and dangerous pace out of Middleton Street into Chowringhee. The pole of the carriage struck the plaintiff and knocked him down, and he was much trampled by the horses.

3. By the blow and fall and trampling the plaintiff's left arm was broken and he was bruised and injured on the side and back, as well as internally, and in consequence thereof the plaintiff was for four months ill and in suffering, and unable to attend to his business, and incurred heavy medical and other expenses, and sustained great loss of business and profits.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 78.

DEFAMATION; THE WORDS BEING DEFAMATORY IN THEMSELVES.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the defendant published in a newspaper, called the [*or*, in a letter addressed to *E. F.*], the following words concerning the plaintiff :—

[*Set forth the words used.*]

2. The said publication was false and malicious.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

NOTE.—If the libel was in a language not the language of the Court, set out the libel *verbatim* in the foreign language in which it was published, and then proceed thus :—" Which said words, being translated into the language, have the meaning and effect following and were so understood by the persons to whom they were so published, that is to say [*here set out a literal translation of the libel in the language of the Court*]."

No. 79.

DEFAMATION; THE WORDS NOT BEING DEFAMATORY IN THEMSELVES.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. The plaintiff [is, and] was, on and before the day of 19 , a merchant doing business in the city of .

2. On the day of 19 , the defendant published in a newspaper, called the [*or*, in a letter addressed to *E. F.*, *or otherwise how published*], the following words concerning the plaintiff :—

[" *A. B.* of this city has modestly retired to foreign lands. It is said that creditors of the amount of rupees are anxiously seeking his address."]

The Code of Civil Procedure Bill.

(The First Schedule.—Appendix A.—Pleadings.)

3. The defendant meant thereby that [the plaintiff had absconded to avoid his creditors, and with intent to defraud them].

4. The said publication was false and malicious.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 80.

VERBAL DEFAMATION; THE WORDS BEING ACTIONABLE IN THEMSELVES.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the defendant falsely and maliciously spoke, in the hearing of *E. F.* [*or*, sundry persons], the following words concerning the plaintiff [" He is a thief "].

2. In consequence of the said words the plaintiff lost his situation as in the employ of

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 81.

VERBAL DEFAMATION; THE WORDS NOT BEING ACTIONABLE IN THEMSELVES.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the defendant falsely and maliciously said to *E. F.* concerning the plaintiff [" He is a young man of remarkably easy conscience "].

2. The plaintiff was then seeking employment as a clerk, and the defendant meant by the said words that the plaintiff was not trustworthy as a clerk.

3. In consequence of the said words [the said *E. F.* refused to employ the plaintiff as a clerk].

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 82.

FOR MALICIOUS PROSECUTION.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the defendant obtained a warrant of arrest from [a Magistrate of the said city, *or, as the case may be*] on a charge of , and the plaintiff was arrested thereon, and imprisoned for [days, *or*, hours, and gave bail in the sum of rupees to obtain his release].

2. In so doing the defendant acted maliciously and without reasonable or probable cause.

3. On the day of 19 , the Magistrate dismissed the complaint of the defendant and acquitted the plaintiff.

4. Many persons, whose names are unknown to the plaintiff, hearing of the arrest, and supposing the plaintiff to be a criminal, have ceased to do business with him; *or*, in consequence of the said arrest, the plaintiff lost his situation as clerk to one *E. F.*; *or*, in consequence the plaintiff suffered pain of body and mind, and was prevented from transacting his business, and was injured in his credit, and incurred expense in obtaining his release from the said imprisonment and in defending himself against the said complaint.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 83.

BY THE ABSOLUTE OWNER FOR THE POSSESSION OF IMMOVEABLE PROPERTY.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. *X. Y.* was the absolute owner [of the estate, *or*, share of the estate, called , situate in the district of , the Government revenue of which is rupees and the estimated value rupees, *or*, of the house No. , Street in the town of Calcutta, the estimated value of which is rupees].

2. On the day of , *Z* illegally dispossessed *X. Y.* of the said estate [*or*, share, *or*, house].

3. *X. Y.* has since died intestate, leaving the plaintiff, his heir, him surviving.

4. The defendant withholds the possession of the estate [*or*, share, *or*, house] from the plaintiff.

[*As in paras. 4 and 5 of Form No. 1.*]

7. The plaintiff claims—

(1) the possession of the said premises;

(2) rupees compensation for withholding the same.

Another Form.

A. B., the above-named plaintiff, states as follows :—

1. On the day of , the plaintiff, by a registered instrument, let to the defendant the house and premises [No. 52, Russell Street, in the] for a term of five years from the day of at the monthly rent of 300 rupees.

The Code of Civil Procedure Bill.

(The First Schedule.—Appendix A.—Pleadings.)

2. By the said instrument the defendant covenanted to keep the said house and premises in good and tenantable repair.

3. The said instrument also contained a clause of re-entry, entitling the plaintiff to re-enter upon the said house and premises, in case the rent thereby reserved, whether demanded or not, should be in arrear for twenty-one days, or in case the defendant should make default in the performance of any covenant upon his part to be performed.

4. On the day of 19 , a month's rent became due, and on the day of 19 another month's rent became due ; on the day 19 , both had been in arrear for twenty-one days and both are still due.

5. On the same day of 19 , the house and premises were not and are not now in good or tenantable repair, and it would require the expenditure of a large sum of money to re-instate the same in good and tenantable repair, and the plaintiff's reversion is much depreciated in value.

[*As in paras. 4 and 5 of Form No. 1.*]

8. The plaintiff claims—

(1) possession of the said house and premises ;

(2) rupees for arrears of rent ;

(3) rupees compensation for the defendant's breach of his covenant to repair ;

(4) rupees for the occupation of the house and premises from the day of 19 to the day of recovering possession.

No. 84.

BY THE TENANT.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. *E. F.* is the absolute owner of [a piece of land in the town of Calcutta bounded as follows :], the estimated value of which is rupees

2. On the day of 19 , *E. F.* let the said premises to the plaintiff for years, from .

3. The defendant withholds the possession thereof from the plaintiff.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 85.

MOVEABLE PROPERTY WRONGFULLY TAKEN.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , plaintiff owned [*or,* was possessed of] one hundred barrels of flour the estimated value of which is rupees.

2. On that day, the defendant took the same.

[*As in paras. 4 and 5 of Form No. 1.*]

5. The plaintiff claims—

(1) delivery of the said goods, or rupees in case delivery cannot be had

(2) rupees compensation for the detention thereof.

No. 86.

MOVEABLES WRONGFULLY DETAINED.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , plaintiff owned [*or state facts showing a right to the possession*] the goods mentioned in the schedule hereto annexed [*or describe the goods*], the estimated value of which is rupees.

2. From that day until the commencement of this suit the defendant has detained the same from the plaintiff.

3. Before the commencement of this suit, to wit, on the day of 19 the plaintiff demanded the same from the defendant, but he refused to deliver them.

[*As in paras. 4 and 5 of Form No. 1.*]

6. The plaintiff claims—

(1) delivery of the said goods, or rupees, in case delivery cannot be had ;

(2) rupees compensation for the detention thereof.

The Schedule.

The Code of Civil Procedure Bill.

(*The First Schedule.—Appendix A.—Pleadings.*)

No. 87.

AGAINST A FRAUDULENT PURCHASER AND HIS TRANSFEREE WITH NOTICE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the defendant *C. D.*, for the purpose of inducing the plaintiff to sell him certain goods, represented to the plaintiff that [he was solvent, and worth rupees over all his liabilities].

2. The plaintiff was thereby induced to sell and deliver to *C. D.* [one hundred boxes of tea], the estimated value of which is rupees.

3. The said representations were false, and were then known by *C. D.* to be so. [*or*, at the time of making the said representations, *C. D.* was insolvent, and knew himself to be so.]

4. *C. D.* afterwards transferred the said goods to the defendant *E. F.* without consideration [*or*, who had notice of the falsity of the representation].

[*As in paras. 4 and 5 of Form No. 1.*]

7. The plaintiff claims—

(1) delivery of the said goods, or rupees, in case delivery cannot be had ;

(2) rupees compensation for the detention thereof.

No. 88.

RESCISSION OF A CONTRACT ON THE GROUND OF MISTAKE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the defendant represented to the plaintiff that a certain piece of ground belonging to the defendant, situated at , contained [ten bighas].

2. The plaintiff was thereby induced to purchase the same at the price of rupees in the belief that the said representation was true, and signed an agreement, of which the original is hereto annexed. But the land has not been transferred to him.

3. On the day of 19 the plaintiff paid the defendant rupees as part of the purchase-money.

4. That the said piece of ground contained in fact only [five bighas].

[*As in paras. 4 and 5 of Form No. 1.*]

7. The plaintiff claims—

(1) rupees, with interest from the day of 19 ;

(2) that the said agreement be delivered up and cancelled.

No. 89.

AN INJUNCTION RESTRAINING WASTE.

(*Title.*)

A. B., the above-named plaintiff, states as follows : —

1. The plaintiff is the absolute owner of [*describe the property*].

2. The defendant is in possession of the same under a lease from the plaintiff.

3. The defendant has [cut down a number of valuable trees, and threatens to cut down many more for the purpose of sale] without the consent of the plaintiff.

[*As in paras. 4 and 5 of Form No. 1.*]

6. The plaintiff claims that the defendant be restrained by injunction from committing or permitting any further waste on the said premises.

[*Pecuniary compensation might also be claimed.*]

No. 90.

INJUNCTION RESTRAINING NUISANCE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. Plaintiff is, and at all the times hereinafter mentioned was, the absolute owner of [the house No. , Street, Calcutta].

2. The defendant is, and at all the said times was, the absolute owner of [a plot of ground in the same street].

The Code of Civil Procedure Bill.

(The First Schedule.—Appendix A.—Pleadings.)

3. On the day of 19 , the defendant erected upon his said plot a slaughter-house, and still maintains the same; and from that day until the present time has continually caused cattle to be brought and killed there [and has caused the blood and offal to be thrown into the street opposite the said house of the plaintiff].

4. [In consequence the plaintiff has been compelled to abandon the said house, and has been unable o rent the same].

[*As in paras. 4 and 5 of Form No. 1.*]

7. The plaintiff claims that the defendant be restrained by injunction from committing or permitting any further nuisance.

No. 91.

PUBLIC NUISANCE.

1 The defendant has wrongfully heaped up earth and stones on a public road known as Street at so as to obstruct the passage of the public along the same.

2. The plaintiffs have obtained the consent in writing of the Advocate General [*or* of the Collector or other officer appointed in this behalf] to the institution of this suit.

[*As in paras. 4 and 5 of Form No. 1.*]

The plaintiffs claim—

(1) a declaration that the defendant is not entitled to obstruct the passage of the public along the said public road ;

(2) an injunction restraining the defendant from obstructing the passage of the public along the said public road and directing the defendant to remove the earth and stones wrongfully heaped up as aforesaid.

No. 92.

INJUNCTION AGAINST THE DIVERSION OF A WATER-COURSE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

[*As in Form No. 70.*]

The plaintiff claims that the defendant be restrained by injunction from diverting the water as aforesaid.

No. 93.

RESTORATION OF MOVEABLE PROPERTY THREATENED WITH DESTRUCTION, AND FOR AN INJUNCTION.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. Plaintiff is, and at all times hereinafter mentioned was, the owner of [a portrait of his grand-father which was executed by an eminent painter], and of which no duplicate exists [*or, state any facts showing that the property is of a kind that cannot be replaced by money*].

2. On the day of 19 , he deposited the same for safe keeping with the defendant.

3. On the day of 19 , he demanded the same from the defendant and offered to pay all reasonable charges for the storage of the same.

4. The defendant refuses to deliver the same to the plaintiff and threatens to conceal, dispose of, cut or injure the same if required to deliver it up.

5. No pecuniary compensation would be an adequate compensation to the plaintiff for the loss of the [painting].

[*As in paras. 4 and 5 of Form No. 1.*]

8. The plaintiff claims—

(1) that the defendant be restrained by injunction from disposing of, injuring or concealing the said [painting];

(2) that he be compelled to deliver the same to the plaintiff.

No. 94.

INTERPLEADER.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. Before the date of the claims hereinafter mentioned *G. H.* deposited with the plaintiff [*describe the property*] for [safe keeping].

The Code of Civil Procedure Bill.

(The First Schedule.—Appendix A.—Pleadings.)

2. The defendant *C. D.* claims the same [under an alleged assignment thereof to him from *G. H.*].

3. The defendant *E. F.* also claims the same [under an order of *G. H.* transferring the same to him].

4. The plaintiff is ignorant of the respective rights of the defendants.

5. He has no claim upon the said property other than for charges and costs, and is ready and willing to deliver it to such persons as the Court shall direct.

6. This suit is not brought by collusion with either of the defendants.

[*As in paras. 4 and 5 of Form No. 1.*]

9. The plaintiff claims—

(1) that the defendants be restrained, by injunction, from taking any proceedings against the plaintiff in relation thereto;

(2) that they be required to interplead together concerning their claims to the said property;

[(3) that some person be authorized to receive the said property pending such litigation ;]

(4) that upon delivering the same to such [person] the plaintiff be discharged from all liability to either of the defendants in relation thereto.

No. 95.

ADMINISTRATION BY CREDITOR ON BEHALF OF HIMSELF AND ALL OTHER CREDITORS.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. *E. F.*, late of , was at the time of his death, and his estate still is, indebted to the plaintiff in the sum of [*here insert nature of debt and security, if any*].

2. *E. F.* died on or about the day of . By his last will, dated the day of , he appointed *C. D.* his executor [*or*, devised his estate in trust, &c., *or*, died intestate, *as the case may be*].

3. The will was proved by *C. D.* [*or*, letters of administration were granted, etc.].

4. The defendant has possessed himself of the moveable [and immoveable, *or*, the proceeds of the immoveable] property of *E. F.*, and has not paid the plaintiff his debt.

[*As in paras. 4 and 5 of Form No. 1.*]

7. The plaintiff claims that an account may be taken of the moveable [and immoveable] property of *E. F.*, deceased, and that the same may be administered under the decree of the Court.

No. 96.

ADMINISTRATION BY SPECIFIC LEGATEE.

(*Title.*)

[*Alter Form No. 95 thus :—*]

[*Omit paragraph 1 and commence paragraph 2*] *E. F.*, late of , died on or about the day of . By his last will, dated the day of he appointed *C. D.* his executor, and bequeathed to the plaintiff [*here state the specific legacy*].

For paragraph 4 substitute—

The defendant is in possession of the moveable property of *E. F.*, and, amongst other things, of the said [*here name the subject of the specific bequest*].

For the commencement of paragraph 7 substitute—

The plaintiff claims that the defendant may be ordered to deliver to him the said [*here name the subject of the specific bequest*], or that, &c.

No. 97.

ADMINISTRATION BY PECUNIARY LEGATEE.

(*Title.*)

[*Alter Form No. 95 thus :—*]

[*Omit paragraph 1 and substitute for paragraph 2*] *E. F.*, late of , died on or about the day of . By his last will, dated the day of he appointed *C. D.* his executor, and bequeathed to the plaintiff a legacy of rupees.

In paragraph 4 substitute "legacy" *for* "debt."

Another Form.

(*Title.*)

E. F., the above-named plaintiff, states as follows :—

1. *A. B.* of *K.* in the died on the day of . By his last will, dated the day of , he appointed the defendant and *M. N.* [who died in the testator's lifetime] his executors, and bequeathed his property, whether moveable or immoveable, to his executors in trust, to pay the rents and income

The Code of Civil Procedure Bill.

(The First Schedule.—Appendix A.—Pleadings.)

thereof to the plaintiff for his life; and after his decease, and in default of his having a son who should attain twenty-one, or a daughter who should attain that age or marry, upon trust as to his immoveable property for the person who would be the testator's heir-at-law, and as to his moveable property for the persons who would be the testator's next-of-kin if he had died intestate at the time of the death of the plaintiff, and such failure of his issue as aforesaid.

2. The will was proved by the defendant on the day of . The plaintiff has not been married.

3. The testator was at his death entitled to moveable and immoveable property; the defendant entered into the receipt of the rents of the immoveable property and got in the moveable property; he has sold some part of the immoveable property.

[*As in paras. 4 and 5 of Form No. 1.*]

6. The plaintiff claims—

(1) to have the moveable and immoveable property of *A. B.* administered in this Court, and for that purpose to have all proper directions given and accounts taken;

(2) such further or other relief as the nature of the case may require.

No. 98.

EXECUTION OF TRUSTS.

A. B., the above-named plaintiff, states as follows:—

1. He is one of the trustees under an instrument of settlement bearing date on or about the day of made upon the marriage of *E. F.* and *G. H.*, the father and mother of the defendant [*or* an instrument of transfer of the estate and effects of *E. F.* for the benefit of *C. D.*, the defendant, and the other creditors of *E. F.*].

2. *A. B.* has taken upon himself the burden of the said trust, and is in possession of [*or* of the proceeds of] the moveable and immoveable property transferred by the said instrument.

3. *C. D.* claims to be entitled to a beneficial interest under the instrument.

[*As in paras. 4 and 5 of Form No. 1.*]

6. The plaintiff is desirous to account for all the rents and profits of the said immoveable property [and the proceeds of the sale of the said, *or*, of part of the said, immoveable property, *or*, moveable, *or*, the proceeds of the sale of, *or*, of part of, the said moveable property, *or*, the profits accruing to the plaintiff as such trustee in the execution of the said trust]; and he prays that the Court will take the accounts of the said trust, and also that the whole of the said trust estate may be administered in the Court for the benefit of *C. D.*, the defendant, and all other persons who may be interested in such administration, in the presence of *C. D.*, and such other persons so interested as the Court may direct, or that *C. D.* may show good cause to the contrary.

[*N.B.—Where the suit is by a beneficiary, the plaint may be modelled, mutandis mutatis, on the plaint by a legatee.*]

No. 99.

FORECLOSURE OR SALE.

[New.] 1. The plaintiff is mortgagee of lands belonging to the defendant.

2. The following are the particulars of the mortgage:—

(*a*) (*the date*);

(*b*) (*the names of mortgagor and mortgagee*);

(*c*) (*rate of interest*);

(*d*) (*property subject to the mortgage*);

(*e*) (*amount now due*);

(*f*) (*if the plaintiff's title is a derivative title, state shortly the transfers or devolution under which he claims*).

(*If the plaintiff is mortgagee in possession, add*)

3. The plaintiff took possession of the mortgaged property on the day of and is ready to account as mortgagee in possession from that time.

[*As in paras. 4 and 5 of Form No. 1.*]

6. The plaintiff claims:—

(1) payment, or in default sale or foreclosure [and possession];

[*Where Order 34, rule 6, applies*]

(2) in case the proceeds of the sale are found to be insufficient to pay the amount due to the plaintiff, then that liberty be reserved to the plaintiff to apply for a decree for the balance.

No. 100.

REDEMPTION.

[New.] 1. The plaintiff is mortgagor of lands of which the defendant is mortgagee.

2. The following are the particulars of the mortgage:—

(*a*) (*date*).

(*b*) (*names of mortgagor and mortgagee*);

(*c*) (*sum secured*);

The Code of Civil Procedure Bill.

(The First Schedule.—Appendix A.—Pleadings.)

(*d*) (*rate of interest*) ;

(*e*) (*property subject to mortgage*) ;

(*f*) (*if the plaintiff's title is derivative, state shortly the transfers or devolution under which he claims*).

(*If the defendant is mortgagee in possession*, add)

3. The defendant has taken possession [*or* has received the rents] of the mortgaged property.

[*As in paras. 4 and 5 of Form No. 1.*]

6. The plaintiff claims to redeem the said property and to have the same reconveyed to him [and to have possession thereof].

No. 101.

SPECIFIC PERFORMANCE (No. 1).

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. By an agreement dated the day of and signed by the defendant, he contracted to buy of [*or*, sell to] the plaintiff certain immoveable property therein described and referred to, for the sum of rupees.

2. The plaintiff has applied to the defendant specifically to perform the agreement on his part, but the defendant has not done so.

3. The plaintiff has been and still is ready and willing specifically to perform the agreement on his part of which the defendant has had notice.

[*As in paras. 4 and 5 of Form No. 1.*]

6. The plaintiff claims that the Court will order the defendant specifically to perform the agreement and to do all acts necessary to put the plaintiff in full possession of the said property [*or*, to accept a transfer and possession of the said property] and to pay the costs of the suit.

No. 102.

SPECIFIC PERFORMANCE (No. 2).

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the plaintiff and defendant entered into an agreement, in writing, and the original document is hereto annexed.

The defendant was absolutely entitled to the immoveable property described in the agreement.

2. On the day of 19 , the plaintiff tendered rupees to the defendant, and demanded a transfer of the said property by a sufficient instrument.

3. On the day of 19 , the plaintiff again demanded such transfer. [*Or*, the defendant refused to transfer the same to the plaintiff.]

4. The defendant has not executed any instrument of transfer.

5. The plaintiff is still ready and willing to pay the purchase-money of the said property to the defendant.

[*As in paras. 4 and 5 of Form No. 1.*]

8. The plaintiff claims—

(1) that the defendant transfers the said property to the plaintiff by a sufficient instrument [*followin the terms of the agreement*] ;

(2) rupees compensation for withholding the same.

No. 103.

PARTNERSHIP.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. He and *C. D.*, the defendant, have been for years [*or* months] past carrying on business together under articles of partnership in writing, [*or*, under a deed, *or*, under a verbal agreement].

2. Several disputes and differences have arisen between the plaintiff and defendant as such partners whereby it has become impossible to carry on the business in partnership with advantage to the partners. [*Or*, the defendant has committed the following breaches of the partnership articles :—

(1)

(2)

(3)]

The Code of Civil Procedure Bill.

(*The First Schedule.—Appendix A.—Pleadings and Written Statement.*)

[*As in paras. 4 and 5 of Form No. 1.*]

5. The plaintiff claims —

(1) dissolution of the partnership ;

(2) that accounts be taken ;

(3) that a receiver be appointed.

(*N.B.—In suits for winding-up of any partnership, omit the claim for dissolution ; and instead insert a paragraph stating the facts of the partnership having been dissolved.*)

4.—WRITTEN STATEMENTS.

General defences.

Denial. The defendant denies that (*set out facts*).

The defendant does not admit that (*set out facts*).

The defendant admits that but says that

The defendant denies that he made the contract alleged or any contract with the plaintiff.

The defendant denies that he contracted with the plaintiff as alleged or at all.

The defendant denies that the plaintiff sold to him the goods mentioned in the plaint or any of them.

Limitation. The suit is barred by article or article in the Second Schedule to the Indian Limitation Act, 1877.

Jurisdiction. The Court has no jurisdiction to hear the suit on the ground that (*set forth the grounds*).

Accord and satisfaction. On the day of a diamond ring was delivered by the defendant to and accepted by the plaintiff in discharge of the alleged cause of action.

Insolvency. The defendant has been adjudged an insolvent.

The plaintiff before the institution of the suit was adjudged an insolvent and the right to sue vested in the receiver.

Minority. The defendant was a minor at the time of making the alleged contract.

Payment into Court. The defendant as to the whole claim (*or* as to Rs. part of the money claimed, *or as the case may be*) has paid into Court Rs. and says that this sum is enough to satisfy the plaintiff's claim (*or* the part aforesaid).

Performance remitted. The performance of the promise alleged was remitted on the (*date*).

Rescission. The contract was rescinded by agreement between the plaintiff and defendant.

Res judicata. The plaintiff's claim is barred by the decision in suit (*give the reference*).

Estoppel. The plaintiff is estopped from denying the truth of (*insert statement as to which estoppel is claimed*) because (*here state the facts relied on as creating the estoppel*).

Ground of defence subsequent to institution of suit. Since the institution of the suit, that is to say, on the day of (*set out facts*).

Defence to suit for foreclosure.

1. The defendant did not execute the mortgage.

2. The mortgage was not transferred to the plaintiff (*if more than one transfer is alleged, say which is denied*).

3. The suit is barred by article of the Second Schedule to the Indian Limitation Act, 1877.

4. The following payments have been made, *viz.* :—

		Rs.
(*Insert date.*)	——————, ...	1,000
(*Insert date.*)	——————, ...	500

5. The plaintiff took possession on the of , and has received the rents ever since.

6. The plaintiff released the debt on the of .

7. The defendant transferred all his interest to A. B. by a document, dated

The Code of Civil Procedure Bill.

(The First Schedule.—Appendix A.—Written Statements.)

Defence to suit for redemption.

1. The plaintiff's right to redeem is barred by article of the Second Schedule to the Indian Limitation Act, 1877.

2. The plaintiff transferred all interest in the property to A. B.

3. The defendant, by a document, dated the day of transferred all his interest in the mortgage-debt and property comprised in the mortgage to A. B.

4. The defendant never took possession of the mortgaged property, or received the rents thereof.

(If the defendant admits possession for a time only, he should state the time, and deny possession beyond what he admits.)

Defence to suit for specific performance.

1. The defendant did not enter into the agreement.

2. A. B. was not the agent of the defendant (*if alleged by plaintiff*).

3. The plaintiff has not performed the following conditions—(*Conditions*).

4. The defendants did not—(*alleged acts of part performance*).

5. The plaintiff's title to the property agreed to be sold is not such as the defendant is bound to accept by reasons of the following matter—(*State why*).

6. The agreement is uncertain in the following respects—(*State them*).

7. (*or*) The plaintiff has been guilty of delay;

8. (*or*) The plaintiff has been guilty of fraud (*or* misrepresentation);

9. (*or*) The agreement is unfair;

(*or*) 10. The agreement was entered into by mistake.

11. The following are particulars of (7), (8), (9), (10), (*or as the case may be*).

12. The agreement was rescinded under Conditions of Sale, No. 11 (*or*, by mutual agreement).

(In cases where damages are claimed and the defendant disputes his liability to damages, he must deny the agreement on the alleged breaches, or show whatever other ground of defence he intends to rely on, e.g., the Indian Limitation Act, accord and satisfaction, release, fraud, etc.)

PARTICULARS.

(Title of Suit.)

Particulars.

The following are the particulars of (*here state the matters in respect of which particulars have been ordered*) delivered pursuant to the order of the of

(Here set out the particulars ordered in paragraphs if necessary.)

NOTICE OF PAYMENT IN COURT.

(Title of Suit.)

Notice of payment into Court.

Take notice that the defendant has paid into Court Rs. and says that this sum is enough to satisfy the plaintiff's claim.

To Mr.......Z, the plaintiff's pleader.

Demand of partners' names.

Take notice that you are required by the defendant to declare forthwith in writing pursuant to

Order * * * rule 2, the names and places of residence of all the persons constituting the firm on whose behalf the suit is instituted.

Appearance under protest. [O. XXX, r. 8.]

Appearance by [*or* for] A. B. such as a partner, but who denies that he is a partne in the defendant firm of

The Code of Civil Procedure Bill.

(The First Schedule.—Appendix B.—Process.)

APPENDIX B.

PROCESS.

No. 1.

Summons for disposal of suit.

(Order V, rule 1.)

(Title.)

To

dwelling at

Whereas

has instituted a suit against you for

you are hereby summoned to appear in this Court in person (¹) *or by a duly authorised pleader of the Court, duly instructed, and able to answer all material questions relating to the suit, or who shall be accompanied by some person able to answer all such questions* (¹), *on the day of 19 , at o'clock in the noon, to answer the abovenamed plaintiff; and as the day fixed for your appearance is appointed for the final disposal of the suit, you must be prepared to produce all your witnesses on that day; and you are hereby required to take notice that, in default of your appearance on the day before mentioned, the suit will be heard and determined in your absence; and you will bring with you* (1), *or send by your pleader* (¹) *which the plaintiff desires to inspect, and any documents on which you intend to rely in support of your defence* (²).

GIVEN under my hand and the seal of the Court, this day of 19 .

L. S.

Judge.

NOTICE.—1. Should you apprehend your witnesses will not attend of their own accord, you can have summonses from this Court to compel the attendance of any witness, and the production of any document that you have a right to call upon the witnesses to produce, on applying to the Court at any time before the trial, on your depositing their necessary subsistence money.

2. If you admit the demand, you should pay the money into Court with the costs of the suit, to avoid the summary execution of the decree, which may be against your person or property, or both, if necessary.

(¹)—(¹) *If the summons is for appearance in person delete these words.*

(²) *If written statements are required, say, you are (or such a party is, as the case may be) required to put in a written statement by the day of*

No. 2.

Summons for Settlement of Issues.

(Order V, rule 5.)

(Title.)

To

dwelling at

Whereas

has instituted a suit against you for

you are hereby summoned to appear in this Court in person, (¹) *or by a duly authorised pleader of the Court, duly instructed, and able to answer all material questions relating to the suit, or who shall be accompanied by some other person able to answer all such questions* (¹), *on the day of 19 , at o'clock in the noon, to answer the abovenamed plaintiff; and you are hereby required to notice that, in default of your appearance on the day before mentioned, the issues will be settled in your absence; and you will bring with you* (¹), *or send by your pleader* (¹), *which the plaintiff desires to inspect, and any document on which you intend to rely in support of your defence* (²).

GIVEN under my hand and the seal of the Court, this day of 19 .

L. S.

Judge.

NOTICE—1. Should you apprehend your witnesses will not attend of their own accord, you can have summonses from this Court to compel the attendance of any witness, and the production of any document that you have a right to call on the witness to produce, on applying to the Court at any time before the trial, on your depositing their necessary subsistence money.

2. If you admit the demand, you should pay the money into Court with the costs of the suit, to avoid the summary execution of the decree, which may be against your person or property, or both, if necessary.

(¹)—(¹) *If the summons is for appearance in person delete these words.*

(²) *If written statements are required, say, you are (or such a party is, as the case may be) required to put in a written statement by the day of*

The Code of Civil Procedure Bill.

(The First Schedule.—Appendix B.—Process.)

No. 3.

SUMMONS IN SUMMARY SUIT ON NEGOTIABLE INSTRUMENT.

NO. OF SUIT.

IN THE COURT OF AT

Plaintiff.

To Defendant.

[Here enter the defendant's name, description and address.]

WHEREAS *[here enter the plaintiff's name, description and address]* has instituted a suit in this Court against you under Chapter XLI of the Code of Civil Procedure for Rs. , principal and interest [*or* Rs. , balance of principal and interest] due to him as the payee [*or* endorsee] of a bill of exchange [*or* hundi *or* promissory note], of which a copy is hereto annexed, you are hereby summoned to obtain leave from the Court within ten days from the service hereof to appear and defend the suit, and within such time to cause an appearance to be entered for you. In default whereof the plaintiff will be entitled at any time after the expiration of such ten days to obtain a decree for any sum not exceeding the sum of Rs. *[here state the sum claimed]* and the sum of Rs. for costs.

Leave to appear may be obtained on an application to the Court supported by affidavit or declaration showing that there is a defence to the suit on the merits, or that it is reasonable that you should be allowed to appear in the suit.

[Here copy the bill of exchange, hundi or promissory note, and all endorsements upon it.]

No. 4.

Notice to show cause.

(Title.)

To

Whereas the above-named
has made application to this Court that
you are hereby warned to appear in this Court in person or by a pleader of the Court duly instructed on , the day of 19 , at A. M., to show cause against the application, failing wherein, the said application will be heard and determined ex parte.

GIVEN under my hand and the seal of the Court, this day of 19 .

L. S.

Judge.

No. 5.

Order for Transmission of Summons for Service in the Jurisdiction of another Court.

District
in the Court of
No. of 19 .

A. B. of

against

C. D. of

WHEREAS it is stated that $\frac{defendant}{witness}$ *in the above suit is at present residing in : it is ordered that a summons returnable on the day of 19 be forwarded to (or delivered to the* $\frac{plaintiff}{defendant}$ *for presentation in), the Court of for service on the said* $\frac{defendant}{witness}$ *with a duplicate of this proceeding.*

The Court-fee of chargeable in respect to the summons has been realised in this Court in stamps.

Dated 19 .

L. S.

Judge.

The Code of Civil Procedure Bill.

(The First Schedule.—Appendix B.— Process.)

No. 6.

Order for Transmission of Summons to be served on a Prisoner.

(Order V, rule 24.)

(Title.)

To

The Superintendent of the Jail at

19 .

Under the provisions of Order V, rule 24, of the Code of Civil Procedure, a summons in duplicate is herewith forwarded for service on the defendant who is a prisoner in jail. You are requested to cause a copy of the said summons to be served upon the said defendant and to return the original to this Court signed by the said defendant, with a statement of service endorsed thereon by you.

L. S.

Judge.

No. 7.

Order for Transmission of Summons to be served on a Public Servant or Soldier.

(Order V, rules 27 & 28.)

(Title.)

To

UNDER the provision of section Order V, rule 27 (or 28, as the case may be), of the Code of Civil Procedure, a summons in duplicate is herewith forwarded for service on the defendant who is stated to be serving under you. You are requested to cause a copy of the said summons to be served upon the said defendant and to return the original to this Court signed by the said defendant with a statement of service endorsed thereon by you.

L. S.

Judge.

No. 8.

TO ACCOMPANY RETURNS OF SUMMONS OF ANOTHER COURT.

IN THE COURT OF AT

Civil Suit, No. of 19 .

The day of 19 .

A. B. of
against
C. D.

Read the proceeding from the forwarding [*or* delivering to the plaintiff for presentation in this Court] for service on in civil No. of that Court.

Read *Serving Officer's* endorsement stating that the and proof of the above having been duly taken by me on the [oath *or*] affirmation of and it is ordered that the be returned to the with a copy of this proceeding.

L. S.

Judge.

Note.—This form will be applicable to process other than summons, the service of which may have to be effected in the same manner.

No. 9.

Affidavit of Process-server to accompany return of a Summons or Notice.

(Title.)

The Affidavit of son of I make oath / solemnly affirm and say as follows :—

(1) I am a process-server of this Court.

(2) On the day of 19 I received a summons / notice issued by the

The Code of Civil Procedure Bill.

(The First Schedule.—Appendix B.—Process.)

Court of

in Civil *No.*

of 19 *in said Court, dated the* *day of* *19* *for service on*

(3) *The said* *was at the time personally known to me, and I served the said* $\frac{summons}{notice}$ *on* $\frac{him}{her}$ *on the* *day of* *19* *at about* *o'clock in the day at* *by tendering copy thereof to* $\frac{him}{her}$ *and requiring* $\frac{his}{her}$ *signature to the original* $\frac{summons}{notice}$.

(*a*)

(*b*)

(*a*) *Here state whether the person re-served signed or refused to sign the process, and in whose presence.*
(*b*) *Signature of process-server.*

or,

(3) *The said* *not being personally known to me one* *accompanied me to* *and pointed out to me a person whom he stated to be the said* *, and I served the said* $\frac{summons}{notice}$ *on* $\frac{him}{her}$ *on the* *day of* *19* *, at about* *o'clock in the day at* *by tendering a copy thereof to* $\frac{him}{her}$ *and requiring* $\frac{his}{her}$ *signature to the original* $\frac{summons}{notice}$.

(*a*)

(*b*)

(*a*) *Here state whether the person served signed or refused to sign the process, and in whose presence.*
(*b*) *Signature of process-server.*

or,

(3) *The said* *and the house in which he ordinarily resides being personally known to me, I went to the said house, in* *and there, on the* *day of* *19* *, at about* *o'clock in the day, I did not find the said*

(*a*)

(*b*)

(*a*) *Enter fully and exactly the manner in which the process was served, with special reference to sections 78 and 80.*
(*b*) *Signature of process-server.*

or,

(3) *One* *accompanied me to* *and there pointed out to me* *which he said was the house in which* *ordinarily resides. I did not find the said* *there.*

(*a*)

(*b*)

(*a*) *Enter fully and exactly the manner in which the process was served, with special reference to sections 78 and 80.*
(*b*) *Signature of process-server.*

or,

If substituted service has been ordered, state fully and exactly the manner in which the summons was served with special reference to the terms of the order for substituted service.

$\frac{Sworn}{Solemnly\ affirmed}$ *by the said* *before me this* *day of* *19* .

Appointed under section *of the Code of Civil Procedure to administer the oath to declarants to affidavits.*

No. 10.

Affidavit of the Identifier of a Person to be served with a Summons or Notice.

District

In the *Court of*

The affidavit of

$\frac{make\ oath}{solemnly\ affirm}$ *and say as follows :—*

(1) *My name is*
I am the son of
I was born at
I now reside at

have known *, to whom a* $\frac{summons}{notice}$ *was issued by the* *Court of* *in Civil* $\frac{Regular}{Miscellaneous}$ *No.* *of 19* *, dated the* *day of* *19* *, for about* $\overline{years}$, *and I know that on the* *day of* *19* *, his ordinary residence was at*

(3) *On the* *day of* *19* *, I pointed out* *to a process-server of this Court, and in my presence the said process-server* (*a*).

$\frac{Sworn}{Solemnly\ affirmed}$ *by the said* *before me (etc., as above).*

(*a*) *Set out fully and exactly what the* [illegible]*ocess-server did in effecting service.*

The Code of Civil Procedure Bill.

(The First Schedule.—Appendix B.—Process.)

No. 11.

SUMMONS TO ATTEND AND GIVE EVIDENCE.

(Title.)

To

WHEREAS your attendance is required to on behalf of the in the above cause, you are hereby required [personally to appear before this Court] on the day of 19 , at the hour of , [and] to bring with you or to send to this Court

A sum of Rs. , being your travelling and other expenses and subsistence-allowance for one day, is herewith sent. If you *fail to* comply with this order *without lawful excuse*, you will be subject to the consequences of non-attendance laid down in *sections* *and* *of* the Code of Civil Procedure .

NOTICE—(1) If you are summoned only to produce a document and not to give evidence, you shall be deemed to have complied with the summons if you cause such document to be produced in this Court on the day and hour aforesaid.

(2) If you are to be detained beyond the day aforesaid, a sum of Rs. will be tendered to you for each day's attendance beyond the day specified.

GIVEN under my hand and the seal of the Court, this day of 19 .

L. S.

Judge.

No. 12.

ANOTHER FORM.

No. of Suit.

IN THE COURT OF AT

Plaintiff.

Defendant.

To

[Name, description and address.]

YOU are hereby summoned to appear in this Court in person on the day of at 19 , *at the hour of* , to give evidence on behalf of the plaintiff [*or* the defendant] in the abovementioned suit, and to produce [*here describe with convenient certainty any document the production of which may be required. If the summons be only to give evidence or if it be only to produce a document, it must be expressed accordingly*], and you are not to depart thence until you have been examined] *or* have produced the document [and the Court has risen, or unless you have obtained the leave of the Court.]

No. 13.

Proclamation Requiring Attendance of Witness.

(Title.)

To

Residing at

Whereas it appears from the examination on oath of the serving officer that the summons could not be served upon the witness in the manner prescribed by law: and whereas it appears that the evidence of the witness is material, and he absconds and keeps out of the way for the purpose of evading the service of the summons: this proclamation is therefore, under section of the Code of Civil Procedure, issued requiring the attendance of the witness in this Court on the day of 19 , A. D., corresponding with (Here enter date according to native era) and from day to day until he shall have leave to depart; and if the witness fail to attend on the day and hour aforesaid he will be dealt with according to law.

Given under my hand and the seal of the Court this day of 19 .

L. S

Judge.

No. 14.

Warrant of Attachment of Property of Witness.

(Title.)

To

The Bailiff of the Court.

Whereas the witness has not, after the expiry of the period limited in the proclamation issued for the attendance, appeared in

The Code of Civil Procedure Bill.

(The First Schedule.—Appendix B.—Process.)

Court, you are hereby directed to hold under attachment property belonging to the said witness to the value of and to submit a return, accompanied with an inventory thereof, within days.

Given under my hand and the seal of the Court this day of 19 .

L. S.

Judge.

No. 15.

Warrant of arrest of a witness.

(Title.)

To

The Bailiff of the Court.

Whereas on whom a summons to has been duly served, has without lawful excuse failed to comply with the summons aforesaid (or having attended, has departed in contravention of section 87 of the Code of Civil Procedure), , you are hereby commanded to arrest the said and to bring him before the Court.

Given under my hand and the seal of the Court this day of 19 .

L. S.

Judge.

No. 16.

Warrant of committal.

(Title.)

To

The Officer in charge of the Jail at

Whereas the plaintiff (or defendant, as the case may be) in the abovenamed suit has made application to this Court that security be taken for the appearance of to give evidence (or to produce a document, as the case may be) on the day of 19 ; and whereas the Court has called upon the said to furnish such security, which he has failed to do ; this is to require you to receive the said into your custody in the Civil Prison and to produce him before this Court at on the said day and on such other day or days as may be hereafter ordered.

Given under my hand and the seal of the Court this day of 19 .

L. S.

Judge.

No. 17.

Warrant of commitment.

(Title.)

To

The Officer in charge of the Jail at

Whereas , whose attendance is required before this Court in the abovenamed case to give evidence (or to produce a document, as the case may be) has been arrested and brought before the Court in custody ; and whereas owing to the absence of the plaintiff (or defendant, as the case may be) the said cannot give such evidence (or produce such document, as the case may be) ; and whereas the Court has called upon the said to give security for his appearance on the day of 19 , at which he has failed to do ; this is to require you to receive the said into your custody in the Civil Prison and to produce him before this Court at on the day of 19 .

Given under my hand and the seal of the Court this day of 19 .

L. S.

Judge.

The Code of Civil Procedure Bill.

(The First Schedule.—Appendix C.—Discovery, Admission and Production of Documents.)

APPENDIX C.

DISCOVERY, ADMISSION, AND PRODUCTION OF DOCUMENTS.

No. 1.

Order to administer Interrogatories by Affidavit.

(Title.)

To

The

Whereas the abovenamed has made application to this Court under the provisions of Order XI, rule 2, of the Code of Civil Procedure for leave to administer interrogatories hereunto annexed to the

You are hereby required to answer the said interrogatories by affidavit to be filed in Court within days from the service thereof.

Given under my hand and the seal of the Court this day of 19 .

L. S.

Judge.

No. 2.

INTERROGATORIES.

IN THE COURT OF AT

Civil Suit No. of 19 .

A. B.

against

C. D., E. F. and *G. H.*

Interrogatories on behalf of the abovenamed *A. B.* [*or C. D.*] for the examination of the abovenamed *E. F.* and *G. H.* [*or A. B.*].

1. Did not, etc.
2. Has not, etc.

The defendant *E. F.* is required to answer the interrogatories numbered .

The defendant *G. H.* is required to answer the interrogatories numbered .

No. 3.

Notice requiring Admission of Genuineness of Documents.

(Title.)

To

Whereas the documents mentioned on the reverse of this notice are material to the above suit, you are hereby required at the instance of the to admit the genuineness of these documents (saving all just exceptions to the admissibility of such documents in evidence) and to return this notice to the Court within days of its service upon you, with the form of admission on the reverse signed by yourself or by your pleader.

Given under my hand and the seal of the Court this day of 19 .

Judge.

No. or distinguishing mark on document.	*Nature of the document, when, where, and by whom executed, original or copy, etc.*	*Remarks.*

I admit the genuineness of the documents above described, saving all just exceptions to their admissibility in evidence.

Dated at

The day of 19

Signature of Witnesses. *Signature of parties.*

The Code of Civil Procedure Bill.

(The First Schedule.—Appendix C.—Discovery, Admission, and Production of Documents.)

No. 4.

Notice to declare Documents by Affidavit.

(Title.)

To

The

Take notice that on the petition of the abovenamed , it has been ordered that you declare by affidavit all the documents which are or have been in your possession or power relating to any of the matters in question in the above suit and that the said affidavit be filed within days of the service upon you of this notice.

Given under my hand and the seal of the Court this day of 19 .

L. S.

Judge.

No. 5.

FORM OF NOTICE TO PRODUCE DOCUMENTS.

IN THE COURT OF AT .

Civil Suit No. of 19 .

A. B.

agains

C. D.

Take notice that the plaintiff [*or* defendant] requires you to produce for his inspection the following documents referred to in your plaint [*or* written statement, *or* affidavit], dated the day of 19 .

Describe documents required.

X. Y., Pleader for the plaintiff [*or* the defendant].

To *Z.*,

Pleader for the defendant [*or* plaintiff].

No. 6.

NOTICE TO ADMIT FACTS.

No. 7.

ADMISSION OF FACTS.

The Code of Civil Procedure Bill.

(*The First Schedule.—Appendix D.—Forms of Decrees.*)

APPENDIX D.

FORMS OF DECREES.

No. 1.

SIMPLE MONEY-DECREE.

(*Title.*)

Claim for

THIS cause coming on for final disposal before in the presence of on the part of the plaintiff, and on the part of the defendant, it is ordered that the do pay to the the sum of Rs. , with interest thereon at the rate of per cent. per from to the date of realization of the said sum, and do also pay to the the costs of this suit as taxed by the officer of the Court, with interest thereon at the rate aforesaid from the date of taxation to the date of realization.

Costs of suit.

PLAINTIFF.	Rs.	A.	P.	DEFENDANT.	Rs.	A.	P.
1. Stamp for plaint . . .				Stamp for power . . .			
2. Do. for power . . .				Do. petition . . .			
3. Do. for exhibits . .				Pleader's fee			
4. Pleader's fees on Rs. . .				Subsistence for witnesses . .			
5. Translation-fee . . .				Service of process . . .			
6. Subsistence for witness for attendance				Translation-fee			
7. Commissioner's fee . . .				Commissioner's fee . . .			
8. Service of process . . .							
TOTAL .				TOTAL .			

GIVEN under my hand and the seal of the Court this day of 19 .

L. S.

Judge.

No. 2.

DECREE FOR FORECLOSURE.

(*Common forms.*)

No. 3.

DECREE FOR SALE.

(*Common forms.*)

No. 4.

DECREE FOR REDEMPTION.

(*Common forms.*)

No. 5.

DECREE IN SUIT BY FIRST MORTGAGEE *v.* SECOND MORTGAGEE AND MORTGAGOR

(*Successive periods of redemption.*)

The Code of Civil Procedure Bill.

(*The First Schedule.—Appendix D.—Forms of Decrees.*)

No. 6.

DECREE IN SUIT BY FIRST MORTGAGEE *v.* SECOND MORTGAGEE AND MORTGAGOR.

(*One period of redemption and liberty to apply.*)

No. 7.

DECREE IN SUIT BY SECOND MORTGAGEE *v.* FIRST MORTGAGEE AND MORTGAGOR.

No. 8.

DECREE IN SUIT BY SUB-MORTGAGEE *v.* MORTGAGEE AND MORTGAGOR.

No. 9.

FINAL DECREE FOR FORECLOSURE.

No. 10.

DECREE OF DISMISSAL IN REDEMPTION SUIT.

SPECIAL DIRECTIONS IN MORTGAGE DECREES.

No. 11.

ACCOUNTS OF RENTS AND PROFITS.

No. 12.

ACCOUNT OF SUMS LAID OUT IN IMPROVEMENTS.

No. 13.

ACCOUNTS DIRECTED TO ASCERTAIN OVERPAYMENT TO MORTGAGEE IN POSSESSION.

No. 14.

MARSHALLING SECURITIES.

No. 15.

DECLARATION OF PRIORITY.

No. 16.

PRELIMINARY *Decree in an* ADMINISTRATION-SUIT.

(*Title.*)

IT is ordered that the following accounts and inquiries be taken and made; that is to say :—

In creditor's suit—

1. That an account be taken of what is due to the plaintiff and all other the creditors of the deceased.

In suits by legatees—

2. An account be taken of the legacies given by the testator's will.

In suits by next-of-kin—

An inquiry be made and account taken of what, or of what share, if any, the plaintiff is entitled to as next-of-kin [*or* one of the next-of-kin] of the intestate.

[*After the first paragraph, the decree will, where necessary, order, in a creditor's suit, inquiry and accounts for legatees, heirs-at-law and next-of-kin. In suits by claimants other than creditors, after the*

The Code of Civil Procedure Bill.

(The First Schedule.—Appendix D.—Forms of Decrees.)

first paragraph, in all cases, an order to inquire and take an account of creditors will follow the first paragraph and such of the others as may be necessary will follow, omitting the first formal words. The form is continued as in a creditor's suit.]

3. An account of the funeral and testamentary expenses.

4. An account of the moveable property of the deceased come to the hands of the defendant, or to the hands of any other person by his order or for his use.

5. An inquiry what part (if any) of the moveable property of the deceased is outstanding and undisposed of.

6. And it is further ordered that the defendant do, on or before the day of next, pay into Court all sums of money which shall be found to have come to his hands, or to the hands of any person by his order or to his use.

7. And that if the *Chief Clerk* shall find it necessary for carrying out the objects of the suit to sell any part of the moveable property of the deceased, that the same be sold accordingly, and the proceeds paid into Court.

8. And that Mr. *E. F.* be Receiver in the suit (*or* proceeding), and receive and get in all outstanding debts and outstanding moveable property of the deceased, and pay the same into the hands of the *Chief Clerk* (and shall give security by bond for the due performance of his duties to the amount of rupees).

9. And it is further ordered that if the moveable property of the deceased be found insufficient for carrying out the objects of the suit, then the following further inquiries be made, and accounts taken, that is to say—

(*a*) an inquiry what immoveable property the deceased was seized of or entitled to at the time of his death;

(*b*) an inquiry what are the incumbrances (if any) affecting the immoveable property of the deceased or any part thereof;

(*c*) an account, so far as possible, of what is due to the several incumbrancers, and to include a statement of the priorities of such of the incumbrancers as shall consent to the sale hereinafter directed.

10. And that the immoveable property of the deceased, or so much thereof as shall be necessary to make up the fund in Court sufficient to carry out the object of the suit, be sold with the approbation of the Judge, free from incumbrances (if any) of such incumbrancers as shall consent to the sale and subject to the incumbrances of such of them as shall not consent.

11. And it is ordered that *G. H.* shall have the conduct of the sale of the immoveable property, and shall prepare the conditions and contracts of sale subject to the approval of the *Chief Clerk*, and that in case any doubt or difficulty shall arise the papers shall be submitted to the Judge to settle.

12. And it is further ordered that, for the purpose of the inquiries hereinbefore directed, the *Chief Clerk* shall advertise in the newspapers according to the practice of the Court, or shall make such inquiries in any other way which shall appear to the *Chief Clerk* to give the most useful publicity to such inquiries.

13. And it is ordered that the above inquiries and accounts be made and taken, and that all other acts ordered to be done be completed, before the day of , and that the *Chief Clerk* do certify the result of the inquiries, and the accounts, and that all other acts ordered are completed, and have his certificate in that behalf ready for the inspection of the parties on the day of .

14. And, lastly, it is ordered that this suit [*or* matter stand adjourned for making final decree to the day of .

[*Such part only of this decree is to be used as is applicable to the particular case.*]

No. 17.

FINAL DECREE IN AN ADMINISTRATION-SUIT BY A LEGATEE.

1. IT is ordered that the defendant do, on or before the day of pay into Court the sum of Rs. , the balance by the said certificate found to be due from the said defendant on account of the estate of , the testator, and also the sum of Rs. for interest, at the rate of Rs. per cent. per annum, from the day of to the day of , amounting together to the sum of Rs. .

2. Let the *Chief Clerk* [*or* Taxing Officer] of the said Court tax the costs of the plaintiff and defendant in this suit, and let the amount of the said costs, when so taxed, be paid out of the said sum of Rs. ordered to be paid into Court as aforesaid, as follows:—

(*a*) The costs of the plaintiff to Mr. , his attorney [*or* pleader], and the costs of the defendant to Mr. , his attorney [*or* pleader].

(*b*) And (*if any debts are due*) with the residue of the said sum of Rs. after payment of the plaintiff's and defendant's costs as aforesaid, let the sums, found to be owing to the several creditors mentioned in the schedule to the *Chief Clerk's* certificate, together with subsequent interest on such of the debts as bear interest, be paid; and, after making such payments, let the amount coming to the several legates mentioned in the schedule, together with subsequent interest (to be verified as aforesaid), be paid to them.

3. And if there should then be any residue, let the same be paid to the residuary legatee.

Preliminary DECREE IN AN ADMINISTRATION-SUIT BY A LEGATEE, WHERE AN EXECUTOR IS HELD PERSONALLY LIABLE FOR THE PAYMENT OF LEGACIES.

1. Declare that the defendant is personally liable to pay the legacy of Rs. bequeathed to the plaintiff;

2. And it is ordered that an account be taken of what is due for principal and interest on the said legacy;

The Code of Civil Procedure Bill.

(The First Schedule.—Appendix D.—Forms of Decrees.)

3. And it is also ordered that the defendant do, within weeks after the date of the Registrar's certificate, pay to the plaintiff the amount of what the *Chief Clerk* shall certify to be due for principal and interest;

4. And it is ordered that the defendant do pay the plaintiff his costs of suit, the same to be taxed in case the parties differ.

FINAL DECREE IN AN ADMINISTRATION-SUIT BY NEXT-OF-KIN.

1. Let the *Chief Clerk* of the said Court tax the costs of the plaintiff and defendant in this suit, and let the amount of the said plaintiff's costs, when so taxed, be paid by the defendant to the plaintiff out of the sum of Rs. , the balance by the said certificate found to be due from the said defendant on account of the personal estate of *E. F.*, the intestate, within one week after the taxation of the said costs by the said *Chief Clerk*, and let the defendant retain for her own use out of such sum her costs, when taxed.

2. And it is ordered that the residue of the said sum of Rs. , after payment of the plaintiff's and defendant's costs as aforesaid, be paid and applied by defendant as follows :—

(a) Let the defendant, within one week after the taxation of the said costs by the *Chief Clerk* as aforesaid, pay one-third share of the said residue to the plaintiffs *A. B.*, and *C.*, his wife, in her right as the sister and one of the next-of-kin of the said *E. F.*, the intestate.

(b) Let the defendant retain for her own use one other third share of the said residue, as the mother and one other of the next-of-kin of the said *E. F.*, the intestate.

(c) And let the defendant, within one week after the taxation of the said costs by the *Chief Clerk* as aforesaid, pay the remaining one-third share of the said residue to *G. H.*, as the brother and the other next-of-kin of the said *E. F.*, the intestate.

No. 18.

Preliminary Decree in a Suit for Dissolution of Partnership.

(Title.)

IT is declared that the partnership in the plaint mentioned between the plaintiff and defendant ought to stand dissolved as from the day of , and it is ordered that the dissolution thereof as from that day be advertised in the Gazette, etc.

And it is ordered that be the Receiver of the partnership-estate and effects in this suit and do get in all the outstanding book-debts and claims of the partnership.

And it is ordered that the following accounts be taken :—

1. An account of the credits, property and effects now belonging to the said partnership;

2. An account of the debts and liabilities of the said partnership ;

3. An account of all dealings and transactions between the plaintiff and defendant, from the foot of the settled account exhibited in this suit and marked (A), and not disturbing any subsequent settled accounts.

And it is ordered that the good will of the business heretofore carried on by the plaintiff and defendant as in the plaint mentioned, and the stock-in-trade, be sold on the premises, and that the Registrar may, on the application of any of the parties, fix a reserved bidding for all or any of the lots at such sale, and that either of the parties is to be at liberty to bid at the sale.

And it is ordered that the above accounts be taken, and all the other acts required to be done be completed, before the day of , and that the Registrar do certify the result of the accounts, and that all other acts are completed, and have his certificate in that behalf ready for the inspection of the parties on the day of .

And, lastly, it is ordered that this suit stand adjourned for making a final decree to the day of .

No. 19.

FINAL DECREE *in a Suit for Dissolution of* PARTNERSHIP.

IN THE COURT OF AT

Civil Suit No.

A. B. of

against

C. D. of

IT is ordered that the fund now in Court, amounting to the sum of Rs. , be applied as follows :—

1. In payment of the debts due by the partnership set forth in the Registrar's certificate, amounting in the whole to Rs.

2. In payment of the costs of all parties in this suit, amounting to Rs.

[These costs must be ascertained before the decree is drawn up.]

In payment of the sum of Rs. to the plaintiff as his share of the partnership-assets, of the sum of Rs. , being the residue of the said sum of Rs. now in Court, to the defendant as his share of the partnership-assets.

[*Or*, And that the remainder of the said sum of Rs. be paid to the said plaintiff [*or* defendant] in part payment of the sum of Rs. certified to be due to him in respect of the partnership-accounts.]

And that the defendant [*or* plaintiff] do on or before the day of pay to the plaintiff [*or* defendant] the sum of Rs. being the balance of the said sum of Rs. due to him, which will then remain due.

The Code of Civil Procedure Bill.

(The First Schedule.—Appendix D.—Forms of Decrees.)

No. 20.

DECREE FOR SPECIFIC PERFORMANCE.

(General decree.)

No. 21.

DECREE FOR SPECIFIC PERFORMANCE OF AGREEMENT FOR COMPROMISE OF RIGHTS UNDER A WILL.

No. 22.

DECREE FOR RECTIFICATION OF INSTRUMENT.

No. 23.

DECREE SETTING ASIDE A PURCHASE ON GROUND OF FRAUD OR MISREPRESENTATION.

No. 24.

DECREE SETTING ASIDE A TRANSFER IN FRAUD OF CREDITORS.

No. 25.

PARTITION DECREE.

Where reference to Collector is necessary.)

No. 26.

PARTITION DECREE.

(Where no reference to Collector is necessary.)

No. 27.

PARTITION DECREE.

(Where reference partly necessary, partly not.)

No. 28.

INJUNCTION DECREE.

No. 29.

CONTRIBUTION BETWEEN CO-SURETIES AND PRINCIPAL IN SUIT BY SURETY.

No. 30.

DECREE FOR RECOVERY OF LAND AND MESNE PROFITS.

No. 31.

DECREE FOR RECOVERY OF SPECIFIC MOVEABLES OR IN THE ALTERNATIVE FOR DAMAGES.

No. 32.

DECREE FOR RESTITUTION OF CONJUGAL RIGHTS.

The Code of Civil Procedure Bill.

(The First Schedule.—Appedix E.—Execution.)

APPENDIX E.

EXECUTION.

No. 1.

PRECEPT TO ATTACH.

No. 2.

Certificate of Result of Proceedings on Precept for Attachment.

In the Court of *at*

Dated the *day of* 19 .

To

Judge of the Court of

Whereas on the *day of* 19 *a precept was received from your Court for (here enter substance of the precept) in (here enter number, year and description of case) of your Court; this is to certify that (here enter result of proceedings taken, specification of property attached or sold, with dates and whether remitted or otherwise dealt with).*

Given under my hand and the seal of the Court this *day of* *19* .

L. S.

Judge.

No. 3.

NOTICE TO SHOW CAUSE WHY EXECUTION SHOULD NOT ISSUE.

IN THE COURT OF AT

Civil Suit No. of 19 .

Miscellaneous No. of 19 .

A. B. of

against

To *C. D.* of

WHEREAS has made application to this Court for execution of decree in Civil Suit No. 19 , this is to give you notice that you are to appear before this Court on the day of 19 *at the hour of* , either in person, or by a pleader of this Court, or agent duly authorized and instructed, to show cause, if any, why execution should not be granted.

GIVEN under my hand and the seal of the Court this day of 19 .

L. S.

Judge.

No. 4.

WARRANT TO THE BAILIFF TO GIVE POSSESSION OF LAND, ETC.

(Title.)

TO THE BAILIFF OF THE COURT.

WHEREAS in the occupancy of has been decreed to , the plaintiff in this suit: you are hereby directed to put the said in possession of the same, and you are hereby authorized to remove any person bound by the decree who may refuse to vacate the same.

GIVEN under my hand and the seal of the Court this day of 19 .

L. S.

Judge.

The Code of Civil Procedure Bill.

(*The First Schedule.—Appendix E.—Execution.*)

No. 5.

ATTACHMENT IN EXECUTION.

PROHIBITORY ORDER, WHERE THE PROPERTY TO BE ATTACHED CONSISTS OF MOVEABLE PROPERTY *other than a debt or property deposited in or in the custody of any Court* TO WHICH THE DEFENDANT IS ENTITLED SUBJECT TO A LIEN OR RIGHT OF SOME OTHER PERSON TO THE IMMEDIATE POSSESSION THEREOF.

(*Title.*)

To

WHEREAS has failed to satisfy a decree passed against on the day of 19 , in favour of for Rs. : it is ordered that the defendant be, and is hereby, prohibited and restrained, until the further order of this Court, from receiving from the following property in the possession of the said , that is to say, , to which the defendant is entitled, subject to any claim of the said , and the said is hereby prohibited and restrained, until the further order of this Court, from delivering the said property to any person or persons whomsoever.

GIVEN under my hand and the seal of the Court this day of 19 .

L. S.

Judge.

No. 6.

WARRANT OF ARREST IN EXECUTION.

IN THE COURT OF AT

Civil Suit No. of 19 .

Miscellaneous No. of 19 .

A. B. of

against

C. D. of

TO THE BAILIFF OF THE COURT.

WHEREAS was adjudged by a decree of the Court, in No. of 19 , dated 19 , to pay to the plaintiff the sum of Rs. as noted in the margin, and whereas the said sum of Rs. has not been paid to the said plaintiff in satisfaction of the said decree, these are to command you to arrest the said defendant and unless the said defendant shall pay to you the said sum of Rs. , together with Rs. for the costs of executing this process, to bring the said defendant before the Court with all convenient speed. You are further commanded to return this warrant on or before the day of 19 , with an endorsement certifying the day and manner in which it has been executed or the reason why it has not been executed.

Principal			
Interest			
Costs			
Execution			
TOTAL .			

GIVEN under my hand and the seal of the Court this day of 19 .

L. S.

Judge.

No. 7.

ATTACHMENT.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF MONEY OR OF ANY SECURITY IN THE HANDS OF A COURT OF JUSTICE OR OFFICER OF GOVERNMENT.

IN THE COURT OF AT

Civil Suit No. of 19 .

A. B. of

against

C. D. of

The Code of Civil Procedure Bill..

(The First Schedule.—Appendix E.—Execution)

To

SIR,

The plaintiff having applied, under the Code of Civil Procedure, 190 , for an attachment of certain money now in your hands (*here state how the money is supposed to be in the hands of the person addressed, on what account, etc.*), I request that you will hold the said money subject to the further order of this Court.

I have the honour to be,

SIR,

Your most obedient Servant,

L. S.

Judge.

Dated the day of 19 .

No. 8.

ATTACHMENT IN EXECUTION.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF IMMOVEABLE PROPERTY.

(*Title.*)

To Defendant.

WHEREAS you have failed to satisfy a decree passed against you on the day of 19 , in Civil Suit No. of 19 , in favour of , for Rs. : it is ordered that you, the said , be, and you are hereby, prohibited and restrained, *for the period of* , from alienating the property specified in the schedule hereunto annexed, by sale, gift or otherwise, and that all persons be, and that they are hereby, prohibited *for the said period* from receiving the same by purchase, gift or otherwise.

GIVEN under my hand and the seal of the Court this day of 19 .

Schedule.

L. S.

Judge.

No. 9.

ORDER FOR PAYMENT TO THE PLAINTIFF, ETC., OF MONEY, ETC., IN THE HANDS OF A THIRD PARTY.

IN THE COURT OF AT

Civil Suit No. of 19 .
Miscellaneous No. of 19 .

A. B. of
against
C. D. of

TO THE BAILIFF OF THE COURT AND TO

WHEREAS the following property has been attached in execution of a decree in Civil Suit No. of 19 , passed on the day of 19 , in favour of , for Rs. : it is ordered that the property so attached, consisting of Rs. in money, and Rs. in currency-notes, or a sufficient part thereof to satisfy the said decree, shall be paid over by you, the said , to and that the said property, so far as may be necessary for the satisfaction of the said decree, shall be sold, by you, the Bailiff of the Court, by public auction in the manner prescribed for sale in execution of decrees, and that the money which may be realized by such sale, or a sufficient part thereof to satisfy the said decree, shall be paid over to the said and the remainder, if any, shall be paid to you, the said .

GIVEN under my hand and the seal of the Court this day of 19 .

L. S.

Judge.

The Code of Civil Procedure Bill.

(The First Schedule.—Appendix E.—Execution.)

No. 10.

ATTACHMENT IN EXECUTION.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF DEBTS NOT SECURED BY NEGOTIABLE INSTRUMENTS.

(Title.)

To

WHEREAS has failed to satisfy a decree passed against on the day of 19 , in the Civil Suit, No. of 19 , in favour of , for Rs. : it is ordered that the defendant be, and is hereby, prohibited and restrained, until the further order of this Court, from receiving from you a certain debt alleged now to be due from you to the said defendant, namely, and that you, the said , be, and you are hereby, prohibited and restrained, until the further order of this Court, from making payment of the said debt, or any part thereof, to any person whomsoever.

GIVEN under my hand and the seal of the Court, this day of 19 .

L. S

Judge.

No. 11.

ATTACHMENT IN EXECUTION.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF SHARES IN A PUBLIC COMPANY, ETC.

(Title.)

To Defendant, and to , Manager of Company.

WHEREAS has failed to satisfy a decree passed against on the day of 19 , in Civil Suit No. of 19 , in favour of , for Rs. : it is ordered that you, the defendant, be, and you are hereby prohibited and restrained, until the further order of this Court, from making any transfer of shares in the aforesaid Company, namely, , or from receiving payment of any dividends thereof; and you, , the Manager of the said Company, are hereby prohibited and restrained from permitting any such transfer or making any such payment.

GIVEN under my hand and the seal of the Court, this day of 19 .

L. S.

Judge.

No. 12.

NOTICE TO ATTACHING CREDITOR.

IN THE COURT OF AT .

Civil Suit, No. of 19 .

Miscellaneous, No. of 19 .

A. B. of

against

C. D. of

To

WHEREAS ha made application to this Court for the removal of attachment on placed at your instance in execution of the decree in Civil Suit No. of 19 , this is to give you notice to appear before this Court on , the day of 19 , either in person or by a pleader of the Court duly instructed to support your claim, as attaching creditor.

GIVEN under my hand and the seal of the Court, this day of 19 .

L. S.

Judge.

The Code of Civil Procedure Bill.

(The First Schedule.—Appendix E.—Execution.)

No. 13.

Warrant for Seizure of Specific Moveable Property adjudged by Decree.

(Title.)

To

The Bailiff of the Court.

Whereas *was ordered by decree of this Court passed on the* *day of* *19* *in Suit No.* *of 19* *deliver to the plaintiff the moveable property (or a* *share in the moveable property) specified in the schedule annexed, and whereas the said property (or share) has not been delivered :*

These *are to command you to seize the said moveable property (or a* *share of the said moveable property) and to deliver it to the plaintiff or to such person as he may appoint in his behalf.*

Given under my hand and the seal of the Court, this *day of* *19* .

L. S.

Judge.

No. 14.

Warrant of Committal to Civil Prison.

(Title.)

To

The Officer in charge of the Civil Prison at

Whereas *was ordered, by decree of this Court passed on the* *day of* *19 , in Suit No.* *of 19 , of this Court, to (here enter note of substance of decree) and whereas (here enter note of failure to comply) :*

You are hereby required to receive the said *into your custody in the Civil Prison and to detain him until he may lawfully be released.*

Given under my hand and the seal of the Court, this *day of* *19* .

L. S.

Judge.

No. 15.

Warrant of Attachment of Property of Judgment-debtor.

(Title.)

To

The Bailiff of the Court.

DECREE.			
Principal			
Interest			
Costs			
Costs of decree, Interest thereon . . .			
Total of attachment . . .			
Total .			

Whereas *was ordered, by decree of this Court passed on the* *day of* *19 , in Suit No.* *of 19 , to pay to the plaintiff the sum of Rs.* *as noted in the margin ; and whereas the said sum of Rs.* *has not been paid ; These are to command you to attach the moveable property of the said* *as set forth in the list hereunto annexed, or which shall be pointed out to you by the said* *, and unless the said* *shall pay to you the said sum of Rs.* *, together with Rs.* *, the costs of this attachment, to hold the same until further* *...rs from this Court.*

You are further commanded to return this Warrant on or before the *day of* *19 , with an endorsement certifying the date and manner in which it has been executed, or why it has not been executed.*

Given under my hand and the seal of the Court, this *day of* *19* .

Schedule.

L. S.

Judge.

V T

The Code of Civil Procedure Bill.

(The First Schedule.—Appendix E.—Execution.)

No. 16.

Order to Attach Salary of Public Officer or Servant of Railway Company or Local Authority.

(Title.)

To

Whereas , judgment-debtor in the abovenamed case, is a (describe office of judgment-debtor) receiving his salary (or allowances) at your hands; and whereas , decree-holder in the said case, has applied in this Court for the attachment of the salary (or allowances) of said to the extent of due to him under the decree; you are hereby required to withhold the said sum of from the salary of the said in monthly instalments of and to remit the said sum (or monthly instalments) to this Court.

Given under my hand and the seal of the Court, this day of 19 .

L. S.

Judge.

No. 17.

Notice of Attachment of a Decree to the Court which passed it.

(Title.)

To

The Judge of the Court of

Sir,

I have the honour to inform you that the decree obtained in your Court on the day of 19 , by in Suit No. of 19 , in which he was and were has been attached by this Court on the application of the in the suit pending in this Court specified above. You are therefore requested to stay the execution of the decree of your Court until you receive an intimation from this Court that the present notice has been cancelled or until execution of the said decree is applied for by the decree-holder of this Court.

I have the honour, etc.

L.S.

Judge.

No. 18.

Notice of Attachment of a Decree to the Holder of the Decree.

(Title.)

To

Whereas an application has been made in this Court by the decree-holder in the above suit for the attachment of a decree obtained by you on the day of 19 , in the Court of in Suit No. 19 , in which were and were ; it is ordered that you, the said , be, and you are hereby, prohibited and restrained, until the further order of this Court, from transferring or charging in any way any property to which you may become entitled by virtue of such decree.

Given under my hand and the seal of the Court, this day of 19 .

L. S.

Judge.

No. 19.

WARRANT OF SALE OF PROPERTY IN EXECUTION OF A DECREE FOR MONEY.

IN THE COURT OF AT

Civil Suit, No. of 19
Miscellaneous, No. of 19
A. B. of
against
C. D. of

The Code of Civil Procedure Bill.

(*The First Schedule.—Appendix E.—Execution.*)

TO THE BAILIFF OF THE COURT.

THESE ARE TO COMMAND YOU to sell by auction after giving days' previous notice, by affixing the same in this Court-house, and after making due proclamation,* the property attached under a warrant from this Court dated the day of 19 , in execution of a decree in favour of in suit No. of 19 , or so much of the said property as shall realize the sum of Rs. , being the of the said decree and costs still remaining unsatisfied.

YOU ARE FURTHER COMMANDED to return this warrant on or before the day of 19 , with an endorsement certifying the manner in which it has been executed, or the reason why it has not been executed.

GIVEN under my hand and the seal of the Court, this day of 19 .

L. S.

Judge.

No. 20.

NOTICE TO PERSON IN POSSESSION OF MOVEABLE PROPERTY SOLD IN EXECUTION

IN THE COURT OF AT .

Civil Suit, No. of 19 .

A. B. of

against

C. D. of

To

WHEREAS has been the purchaser at a sale by auction in execution of the decree in the above suit of now in your possession, you are hereby prohibited from delivering possession of the said to any person except the said .

GIVEN under my hand and the seal of the Court, this day of 19 .

L. S.

Judge.

No. 21.

PROHIBITORY ORDER AGAINST PAYMENT OF DEBTS SOLD IN EXECUTION TO ANY OTHER THAN THE PURCHASER.

IN THE COURT OF AT .

Civil Suit, No. of 19 .

A. B. of

against

C. D. of

To and to

WHEREAS has become the purchaser at a public sale in execution of the decree in the above suit of certain debt from you to you , that is to say , it is ordered that you be, and you are hereby, prohibited from receiving, and you from making payment of, the said debt to any person or persons except the said .

GIVEN under my hand and the seal of the Court, this day of 19 .

L. S.

Judge.

---

* This proclamation shall specify the time, the place of sale, the property to be sold, the revenue assessed should the property consist of land paying revenue to Government, and the amount for the recovery of which the sale is ordered, and as fairly and accurately as possible the other particulars required by rule 157 to be specified.

The Code of Civil Procedure Bill.

(The First Schedule.—Appendix E.—Execution.)

No. 22.

PROHIBITORY ORDER AGAINST THE TRANSFER OF SHARES SOLD IN EXECUTION.

IN THE COURT OF AT .

Civil Suit, No. of 19 .

A. B. of

against

C. D. of

To

and , Manager of Company.

WHEREAS has become the purchaser at a public sale in execution of the decree, in the above suit, of certain shares in the above Company, that is to say, of standing in the name of you , it is ordered that you be, and you are hereby, prohibited from making any transfer of the said shares to any person except the said , the purchaser aforesaid, or from receiving any dividends thereon; and you Manager of the said Company, from permitting any such transfer or making any such payment to any person except the said , the purchaser aforesaid.

GIVEN under my hand and the seal of the Court, this . day of 19 .

L. S.

Judge.

No. 23.

CERTIFICATE OF SALE OF LAND.

IN THE COURT OF AT .

Civil Suit, No. of 19 .

A. B. of

against

C. D. of

THIS is to certify that has been declared the purchaser at sale by public auction on the day of 19 , of in execution of decree in this suit, and that the said sale has *become absolute*.

GIVEN under my hand and the seal of the Court, this day of 19 .

L. S

Judge.

No. 24.

ORDER FOR DELIVERY TO CERTIFIED PURCHASER OF LAND AT A SALE IN EXECUTION.

IN THE COURT OF AT .

Civil Suit, No. of 19 .

A. B. of

against

C. D. of

TO THE BAILIFF OF THE COURT.

WHEREAS has become the certified purchaser of at a sale in execution of the decree in Civil Suit, No. of 19 ; and whereas such land is in the possession of , you are hereby ordered to put the said , the certified purchaser, as aforesaid, [or *legal representative of the certified purchaser, as aforesaid*] into possession of the , and, if need be, to remove any person who may refuse to vacate the same.

GIVEN under my hand and the seal of the Court, this day of 19 .

L. S.

Judge.

The Code of Civil Procedure Bill.

(*The First Schedule.—Appendix E.—Execution.*)

No. 25.

AUTHORITY OF THE COLLECTOR TO STAY PUBLIC SALE OF LAND.

IN THE COURT OF AT .

Civil Suit, No. of 19 .

A. B. of

against

C. D. of

To

Collector of

SIR,

In answer to your communication No. , dated , representing that the sale in execution of the decree in this suit of and lying within your district paying revenue to Government, is objectionable, I have the honour to inform you that you are authorized to make provision for the satisfaction of the said decree in the manner recommended by you instead of proceeding to a public sale of

I have the honour to be,

SIR,

Your obedient Servant,

L. S.

Judge.

No. 26.

ORDER FOR COMMITTAL FOR RESISTING, ETC., EXECUTION OF DECREE FOR LAND.

(*Title.*)

WHEREAS it appears to the Court that has without just cause resisted [*or* obstructed] the execution of the decree of the Court passed against on the day of 19 , in Civil Suit, No. of 19 , whereby certain land or immoveable property was adjudged to , it is ordered that the said be committed to custody for a period of days.

GIVEN under my hand and the seal of the Court, this day of 19 .

L. S.

Judge.

The Code of Civil Procedure Bill.

(The First Schedule.—Appendix F.—Supplemental.)

APPENDIX F.

SUPPLEMENTAL PROCEEDINGS.

No. 1.

WARRANT OF ARREST BEFORE JUDGMENT.

IN THE COURT OF AT

Civil Suit, No. of 19 .

A. B. of

against

C. D. of

TO THE BAILIFF OF THE COURT.

WHEREAS , the plaintiff in the above suit, *claims the sum of Rs.* *as noted in the margin and* has proved to the satisfaction of the Court that there is probable cause for believing that the defendant is about to

Principal			
Interest			
Costs			
TOTAL .			

THESE ARE TO COMMAND YOU to *demand and receive from the said* *the sum of Rs.* *as sufficient to satisfy the plaintiff's claim and, unless the said sum of Rs.* *is forthwith delivered to you by or on behalf of the said* , *to take* the said into custody, and to bring before Court, in order that he may show cause why he should not furnish security to the amount of rupees for personal appearance before the Court, until such time as the said suit shall be fully and finally disposed of, and until execution or satisfaction of any decree that may be passed against in the suit.

GIVEN under my hand and the seal of the Court, this day of 19

L. S.

Judge.

No. 2.

ORDER FOR COMMITTAL.

IN THE COURT OF AT

Civil Suit, No. of 19 .

A. B. of

against

C. D. of

To

WHEREAS , plaintiff in this suit, has made application to the Court that security be taken for the appearance of the defendant to answer any judgment that may be passed against in the suit; and whereas the Court has called upon the defendant to furnish such security, or to offer a sufficient deposit in lieu of security, which has failed to do; it is ordered that the said defendant be committed to *the civil prison* until the decision of the suit; or, if judgment be *delivered* against until the execution of the decree.

GIVEN under my hand and the seal of the Court, this day of 19 .

L. S.

Judge.

The Code of Civil Procedure Bill.

(The First Schedule.—Appendix F.—Supplemental.)

No. 3.

ATTACHMENT BEFORE JUDGMENT, WITH ORDER TO CALL FOR SECURITY FOR FULFILMENT OF DECREE.

IN THE COURT OF AT

Civil Suit, No. of 19

A. B. of

against

C. D. of

TO THE BAILIFF OF THE COURT.

WHEREAS has proved to the satisfaction of the Court that the defendant in the above suit ; THESE ARE TO COMMAND YOU to call upon the said defendant on or before the day of either to furnish security for the sum of rupees to produce and place at the disposal of this Court when required or the value thereof, or such portion of the value as may be sufficient to fulfil any decree that may be passed against ; or to appear and show cause why should not furnish security; and you are further ordered to attach the said and keep the same under safe and secure custody until the further order of the Court, and in what manner you shall have executed this warrant make appear to the Court immediately after the execution hereof, and have you here then this warrant.

GIVEN under my hand and the seal of the Court, this day of 19 .

L. S.

Judge.

No. 4.

ATTACHMENT BEFORE JUDGMENT, ON PROOF OF FAILURE TO FURNISH SECURITY.

IN THE COURT OF AT .

Civil Suit, No. of 19 .

A. B. of

against

C. D. of

TO THE BAILIFF OF THE COURT.

WHEREAS , the plaintiff in this suit, has applied to the Court to call upon , the defendant, to furnish security to fulfil any decree that may be passed against in the suit, and whereas the Court has called upon the said to furnish such security, which has failed to do; THESE ARE TO COMMAND YOU to attach the property of the said and keep the same under safe and secure custody until the further order of the Court, and in what manner you shall have executed this warrant make appear to this Court immediately after the execution hereof, and have you here then this warrant.

GIVEN under my hand and the seal of the Court, this day of 19 .

L. S.

Judge.

No. 5.

ATTACHMENT BEFORE JUDGMENT.

PROHIBITORY ORDER, WHERE THE PROPERTY TO BE ATTACHED CONSISTS OF MOVEABLE PROPERTY, TO WHICH THE DEFENDANT IS ENTITLED, SUBJECT TO A LIEN OR RIGHT OF SOME OTHER PERSONS TO THE IMMEDIATE POSSESSION THEREOF.

IN THE COURT OF AT .

Civil Suit, No. of 19 .

A. B. of

against

To *C. D.* of

IT is ordered that you, the said Defendant, be, and you are hereby prohibited and restrained, *for the period of* , from receiving from the following

The Code of Civil Procedure Bill.

(*The First Schedule.—Appendix F.—Supplemental.*)

property in the possession of the said , that is to say, , to which the defendant is entitled, subject to any claim of the said , and the said is hereby prohibited and restrained, *for the said period*, from delivering the said property to any persons whomsoever.

GIVEN under my hand and seal of the Court, this day of 19 .

L. S.

Judge.

No. 6.

ATTACHMENT BEFORE JUDGMENT.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF IMMOVEABLE PROPERTY.

IN THE COURT OF AT .

Civil Suit, No. of 19 .

A. B. of
against
C. D. of

To Defendant.

IT is ordered that you, the said , be, and you are hereby, prohibited and restrained, *for the period of* , from alienating the property specified in the schedule hereunto annexed, by sale, gift or otherwise, and that all persons be, and they are hereby, prohibited *and restrained, for the said period*, from receiving the same by purchase, gift or otherwise

GIVEN under my hand and the seal of the Court, this day of 19

Schedule.

L. S.

Judge.

No. 7.

ATTACHMENT BEFORE JUDGMENT.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF MONEY IN THE HANDS OF OTHER PERSONS, OR OF DEBTS NOT BEING NEGOTIABLE INSTRUMENTS.

IN THE COURT OF AT .

Civil Suit, No. of 19 .

A. B. of
against
C. D. of

To

IT is ordered that the defendant be, and he is hereby, prohibited and restrained, *for the period of* , from receiving from the [money now in hands belonging to the said defendant *or* debts, *as the case may be, describing them*] and that the said be, and hereby, prohibited and restrained, *for the said period*, from making payment of the said [money, etc.], or any part thereof, to any person whomsoever.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

The Code of Civil Procedure Bill.

(The First Schedule.—Appendix F.—Supplemental.)

No. 8.

ATTACHMENT BEFORE JUDGMENT.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF SHARES IN A PUBLIC COMPANY, ETC.

IN THE COURT OF AT .

Civil Suit, No. of 19 .

A. B. of

against

C. D. of

Defendant, and to

To

, Manager of Company.

IT is ordered that , the defendant, be, and hereby, prohibited and restrained, *for the period of*

from making any transfer of shares, being in the aforesaid Company, or from receiving payment of any dividends thereof, and you , Manager of the said Company, are hereby prohibited and restrained *for the said period*, from permitting any such transfer, or making any such payment.

GIVEN under my hand and the seal of the Court, this day of 19 .

L. S.

Judge.

No. 9.

NOTICE OF APPLICATION FOR INJUNCTION.

IN THE COURT OF AT

A. B. of

against

C. D. of

TAKE notice that I, *A. B.*, intend to apply at the sitting of the Court at aforesaid on the day of , for an injunction to restrain *C. D.* from further prosecuting a suit which he has commenced against me in to recover damages for the breach of the contract for the specific performance of which this suit was commenced [*or* to restrain him from receiving and giving discharges for any of the debts due to the partnership in the matter of the partnership between us for the winding-up of which the suit was commenced, *or* from digging the turf from the land which was agreed to be sold by him to me by the agreement, the specific performance of which this suit is commenced to enforce, *or as the case may be*].

Dated this day of 19 .

To *C. D.*

A. B.

[*N.B.—Where the injunction is to be applied for against a party whose name and address do not appear upon any proceeding already filed in the suit, such name and address must be stated in full to enable the proper officer to serve the notice.*]

No. 10.

TEMPORARY INJUNCTIONS.

UPON motion made unto this Court by , Pleader of [*or* Counsel for] the plaintiff *A. B.*, and upon reading the petition of the said plaintiff in this matter filed [this day] [*or* the plaint filed in this cause on the day of , *or* the written statement of the said plaintiff filed on the day of] and upon hearing the evidence of and in support thereof [*if after notice and defendant not appearing: add*, and also the evidence of as to service of notice of this motion upon the defendant, *C. D.*]. This Court doth order that an injunction be awarded to restrain the defendant *C. D.*, his servants, workmen and agents, from pulling down, or suffering to be pulled down, the house in the plaint in the said suit of the plaintiff mentioned [*or*, in the written statement, *or* petition, of the plaintiff and evidence at the hearing of this motion mentioned] being No. 9, Oilmongers Street, Hindupur, in the Taluk of , and from selling the materials whereof the said house is composed, until the hearing of this cause or until this further order of this Court.

Dated this day of 19 .

L. S.

Judge.

[*Where the injunction is sought to restrain the negotiation of a note or bill, the ordering part order may run thus :—*]

The Code of Civil Procedure Bill.

(*The First Schedule.—Appendix F.—Supplemental.*)

parting with out of the custody of them or any of them or endorsing, assigning or negotiating the promissory note [*or* bill of exchange] in question, dated on or about the , *etc.*, mentioned in the plaintiff's plaint [*or* petition] and the evidence heard at this motion until the hearing of this cause, or until the further order of this Court.

[*In Copyright cases*] to restrain the defendant, *C. D.*, his servants, agents or workmen, from printing, publishing or vending a book, called , or any part thereof, until the, *etc.*

[*Where part only of a book is to be restrained*] to restrain the defendant, *C. D.*, his servants, agents or workmen, from printing, publishing, selling or otherwise disposing of such parts of the book in the plaint [*or* petition and evidence, *etc.*] mentioned to have been published by the defendant as hereinafter specified, namely, that part of the said book which is entitled and also that part which is entitled

[*or* which is contained in page to page

both inclusive] until , *etc.*

[*In Patent cases*] to restrain the defendant, *C. D.*, his agents, servants and workmen, from making or vending any perforated bricks [*or as the case may be*] upon the principle of the inventions in the plaintiff's plaint [*or* petition, *etc.*, *or* written statement, *etc.*,] mentioned, belonging to the plaintiffs, or either of them, during the remainder of the respective terms of the patents in the plaintiff's plaint [*or as the case may be*] mentioned, and from counterfeiting, imitating or resembling the same inventions, or either of them, or making any addition thereto, or subtraction therefrom, until the hearing, etc.

[*In cases of Trade marks*] to restrain the defendant, *C. D.*, his servants, agents or workmen, from selling, or exposing for sale, or procuring to be sold, any composition or blacking [*or as the case may be*] described as or purporting to be blacking manufactured by the plaintiff, *A. B.*, in bottles having affixed thereto such labels as in the plaintiff's plaint [*or* petition, etc.] mentioned, or any other labels so contrived or expressed as by colourable imitation or otherwise, to represent the composition or blacking sold by the defendant to be the same as the composition or blacking manufactured and sold by the plaintiff, *A. B.*, and from using trade-cards so contrived or expressed as to represent that any composition or blacking sold or proposed to be sold by the defendant is the same as the composition or blacking manufactured or sold by the plaintiff, *A. B.*, until the, etc.

[*To restrain a partner from in any way interfering in the business*]

to restrain the defendant, *C. D.*, his agents and servants, from entering into any contract, and from accepting, drawing, endorsing or negotiating any bill of exchange, note or written security in the name of the partnership-firm of *B.* & *D.* and from contracting any debt, buying and selling any goods, and from making or entering into any verbal or written promise, agreement or undertaking, and from doing, or causing to be done, any act, in the name or on the credit of the said partnership-firm of *B.* & *D.*, or whereby the said partnership-firm can or may in any manner become or be made liable to or for the payment of any sum of money, or for the performance of any contract, promise or undertaking until the, etc.

No. 11.

APPOINTMENT OF A RECEIVER.

IN THE COURT OF AT

Civil Suit, No. of .

A. B. of

against

C. D. of

To

WHEREAS has been attached in execution of a decree passed in the above suit on the day of 19 , in favour of : you are hereby (subject to your giving security to the satisfaction of the *Registrar*) appointed Receiver of the said property under section *305* of the Code of Civil Procedure, with full powers under the provision of that section.

YOU are required to render a due and proper account of your receipts and disbursements in respect of the said property on . You will be entitled to remuneration at the rate of per cent. upon your receipts under the authority of this appointment.

GIVEN under my hand and the seal of the Court, this day of 19 .

L. S.

Judge.

No. 12.

BOND TO BE GIVEN BY RECEIVER.

IN THE COURT OF AT

Civil Suit, No. of .

A. B. of

against

C. D. of

KNOW all men by these presents, that we, *I. J.* of, etc., and *K. L.* of, etc., and *M. N.* of, etc., are jointly and severally bound to *G. H.*, *Registrar* of the Court of in Rs.

The Code of Civil Procedure Bill.

(The First Schedule.—Appendix F.—Supplemental.)

to be paid to the said *G. H.* or his attorney, executors, administrators or assigns. For which payment to be made we bind ourselves, and each of us, in the whole, our and each of our heirs, executors and administrators, jointly and severally, by these presents.

Dated this day of 19 .

Whereas a plaint has been filed in this Court by *A. B.* against *C. D.* for the purpose of [***here insert the object of suit***].

And whereas the *I. J.* has been appointed, by order of the above-mentioned Court, to receive the rents and profits of the immoveable property and to get in the outstanding moveable property of *O. P.*, the testator in the said plaint named.

Now the condition of this obligation is such, that if the above-bounden *I. J.* shall duly account for all and every the sum and sums of money which he shall so receive on account of the rents and profits of the immoveable property, and in respect of the moveable property, of the said *O. P.* [*or, as may be*] at such periods as the said Court shall appoint, and shall duly pay the balances which shall from time to time be certified to be due from him as the said Court hath directed or shall hereafter direct, then this obligation shall be void, otherwise it shall remain in full force.

I. J.
K. L.
M. N.

Signed and delivered by the above-bounden in the presence of

Note.—If deposit of money be made, the memorandum thereof should follow the terms of the condition of the bond.

No. 13.

Order for Interim Rule of Perishable Property.

No. 14.

Order for Compensation for Improper Arrest.

The Code of Civil Procedure Bill.

(The First Schedule.—Appendix G.—Appeal, Referenee and Review.)

APPENDIX G.

APPEAL, REFERENCE AND REVIEW.

No. 1.

MEMORANDUM OF APPEAL.

(*Name, etc., as in Register.*) Plaintiff—Appellant.

(*Name, etc., as in Register.*) Defendant—Respondent.

[*Name of Appellant*] [plaintiff *or* defendant] above-named appeals to the High Court at [*or* District Court at , *as the case may be*] against the decree of in the above suit dated the day of , for the following reasons, namely [*here state the grounds of objection*].

[*Demand of judgment.*]

No. 2.

MEMORANDUM OF CROSS-OBJECTIONS.

No. 3.

NOTICE TO RESPONDENT OF THE DAY FIXED FOR THE HEARING OF THE APPEAL.

IN THE COURT OF AT .

, *Appellant*, v. , *Respondent*.

APPEAL from the of the Court of dated the day of 19 .

Respondent.

To

TAKE notice that an appeal from the decree of in this case has been presented by and registered in this Court and that the day of 19 *at the hour of* has been fixed by this Court for the hearing of this appeal.

If no appearance is made on your behalf by yourself, your pleader, or by some one by law authorized to act for you in this appeal, it will be heard and decided *ex parte* in your absence.

GIVEN under my hand and the seal of the Court, this day of 19 .

L. S.

Judge.

[NOTE.—*If a stay of execution has been ordered, intimation should be given of the fact on this notice.*]

No. 4.

DECREE ON APPEAL.

IN THE COURT OF AT

, *Appellant*, v. , *Respondent*.

APPEAL No. from the of the Court of dated the day of 19 .

This appeal coming on for hearing on the day of 19 before , in the presence of for the Appellant, and of for the Respondent, it is ordered—

[*here state the relief granted*].

The costs of this appeal, amounting to , are to be paid by . The costs of the original suit are to be paid by .

GIVEN under my hand, this day of .

L. S.

Judge.

The Code of Civil Procedure Bill.

(The First Schedule.—Appendix G.—Appeal, Reference and Review.)

No. 5

ORDER ADMITTING PAUPER APPEAL.

No. 6.

REFERENCE.

No. 7.

NOTICE TO SHOW CAUSE WHY A REVIEW SHOULD NOT BE GRANTED.

IN THE COURT OF AT

Plaintiff, v. *Defendant.*

To

TAKE notice that has applied to this Court for a review of its judgment passed on the day of 19 in the above case. The day of 19 , *at the hour of* is fixed for you to show cause why the Court should not grant a review of its judgment in this case.

GIVEN under my hand and the seal of the Court, this day of 19 .

L. S.

Judge.

The Code of Civil Procedure Bill.

(The First Schedule.—Appendix H.—Miscellaneous.)

APPENDIX H.

MISCELLANEOUS.

I.—Commissions.

No. 1.

COMMISSION TO EXAMINE ABSENT WITNESSES.

IN THE COURT OF AT

Civil Suit, No. of 19 .

A. B. of
against
C. D. of

To

WHEREAS the evidence of is required by the in the above suit; and whereas you are requested to take the *evidence* ; on interrogatories [*or* vivâ voce] of such witnesses and you are hereby appointed a Commissioner for that purpose, and you are further requested to make return of such *evidence* so soon as it may be taken [process to require the attendance of the witness will be issued by *the* Court *having local jurisdiction* on your application].*

GIVEN under my hand and the seal of the Court, this day of 19

L. S.

Judge.

No. 2.

Letters of Request for Commission.

[*Cf.* R.S.C. App. K., No. 37B.]

(Heading:—To the President and Judges of, etc., etc., or as the case may be.)

Whereas an action is now pending in the in which A.B. is plaintiff and C.D. is defendant: And in the said action the plaintiff claims

(endorsement upon writ)

And whereas it has been represented to the said Court that it is necessary for the purposes of justice and for the due determination of the matters in dispute between the parties, that the following persons should be examined as witnesses upon oath touching such matters, that is to say:

E. F., of
G. H., of
and I. J., of

And it appearing that such witnesses are resident within the jurisdiction of your honourable Court.

Now I , as the of the said Court, have the honour to request, and do hereby request, that for the reasons aforesaid and for the assistance of the said Court, you, as the President and Judges of the said , or some one or more of you, will be pleased to summon the said witnesses (and such other witnesses as the agents of the said plaintiff and defendant shall humbly request you in writing so to summon) to attend at such time and place as you shall appoint before some one or more of you, or such other person as according to the procedure of your Court is competent to take the examination of witnesses, and that you will cause such witnesses to be examined upon the interrogatories which accompany this letter of request (or vivâ voce) touching the said matters in question in the presence of the agents of the plaintiff and defendant, or such of them as shall, on due notice given, attend such examination.

And I further have the honour to request that you will be pleased to cause the answers of the said witnesses to be reduced into writing, and all books, letters, papers, and documents produced upon such examination to be duly marked for identification, and that you will be further pleased to authenticate such examination by the seal of your tribunal, or in such other way as is in accordance with your procedure, and to return the same, together with such request in writing, if any, for the examination of other witnesses, to the said Court.

(Note.—If the Request is directed to a Foreign Court, the words "through His Majesty's Secretary of State for Foreign Affairs for transmission" should be inserted after the words "other witnesses" in the penultimate line of this form.)

No. 3.

COMMISSION FOR A LOCAL INVESTIGATION, OR TO EXAMINE ACCOUNTS

IN THE COURT OF AT .

Civil Suit, No. of 19 .

A. B. of
against
C. D. of

To

it is deemed requisite, for the purpose of this suit, that a commission for should be issued; you are hereby appointed Cmmissioner for the purpose of [process to

The Code of Civil Procedure Bill.

(The First Schedule.—Appendix H.—Miscellaneous.)

compel the attendance before you of any witnesses, or for the production of any documents which you may desire to examine or inspect, will be issued by *the* Court *having local jurisdiction* on your application].*

A sum of Rs. , being your fee in the above, is herewith forwarded.

GIVEN under my hand and the seal of the Court, this day of 19 .

L. S

Judge

No. 4.

COMMISSION FOR PARTITION.

II.—Security.

No. 5.

BOND BY WAY OF SECURITY FOR COSTS.

No. 6.

BOND BY WAY OF SECURITY TO ANSWER CLAIM AGAINST A DEFENDANT.

III.—Notice to Minor Defendant.

No. .

NOTICE TO MINOR DEFENDANT.

In the Court of *District.*

Civil Suit, No. *of 19* .

A. B. of

against

C. D. of

To

Minor Defendant.

Natural guardian of the said minor defendant [or *in whose house the said minor defendant resides* or *under whose care the said minor defendant is.*]

Whereas application has been made by the plaintiff in the above suit for the appointment of a guardian for the suit for the minor defendant ; you, the said minor, and you, , are hereby required to take notice, that, unless within days from the service of this notice, an application is made to this Court for the appointment of you, the said , or of some friend of you, the said minor, to be the guardian for the suit, the Court will proceed to appoint some other person to be the guardian for the suit for the said minor.

Given under my hand and the seal of this Court, this *day of* *19* .

L. S

Judge.

IV.—Registers.

No. 8.

REGISTERS OF SUITS.

COURT of the   of   holden at

REGISTER OF CIVIL SUITS in the year 19 .

Date of presentation of plaint.	No. of suit.	PLAINTIFF.			DEFENDANT.			CLAIM.			APPEARANCE.			JUDGMENT.			APPEAL.		EXECUTION.					RETURN OF EXECUTION.		
		Name.	Description.	Place of abode.	Name.	Description.	Place of abode.	Particulars.	Amount or value.	When the cause of action accrued.	Day for parties to appear.	Plaintiff.	Defendant.	Date.	For whom.	For what, or amount.	Date of appeal.	Judgment in appeal.	Date of application.	Date of order.	Against whom.	For what, and amount if money.	Amount of costs.	Amount paid into Court.	Arrested.	Minute of other Return than Payment or Arrest, and date of every Return.

W

The Code of Civil Procedure Bill.

(The First Schedule.—Appendix H.—Miscellaneous.)

No. 9.

REGISTER OF APPEALS.

COURT (*OR* HIGH COURT) AT .

REGISTER OF APPEALS FROM DECREES in the year 19 .

Date of Memorandum.	No. of appeal.	Appellant.			Respondent.			Decree appealed from.				Appearance.			Judgment.		
		Name.	Description.	Place of abode.	Name.	Description.	Place of abode.	Of what Court.	No. of Original Suit.	Particulars.	Amount or Value.	Day for parties to appear.	Appellant.	Respondent.	Date.	Confirmed, reversed or altered.	For what or amount.

The Code of Civil Procedure Bill.

(The Second Schedule.—Arbitration.)

THE SECOND SCHEDULE.

ARBITRATION.

Arbitration in Suits.

[S. 506.] Parties to suit may apply for order of reference.

1. (*1*) *Where in any* suit all the parties *interested* agree that any matter in *difference* between them shall be referred to arbitration, they may, at any time before judgment is pronounced, apply to the Court for an order of reference.

(*2*) Every such application shall be in writing and shall state the matter sought to be referred.

[S. 507.] Appointment of arbitrator.

2. The arbitrator shall be *appointed* in such manner as may be agreed upon between *the parties.*

[S. 508.] Order of reference.

3. (*1*) The Court shall, by order, refer to the arbitrator the matter in *difference* which he is required to determine, and shall fix such time as it thinks reasonable for the *making* of the award, and *shall* specify such time in the order.

(*2*) *Where* a matter is referred to arbitration, the Court shall not, save *in the manner and to th extent* provided in this Schedule, deal with *such matter* in the same suit.

[S. 509] Where reference is to two or more, order to provide for difference of opinion.

4. (*1*) *Where* the reference *is* to two or more arbitrators, provision shall be made in the order for a difference of opinion among the arbitrators—

(*a*) by the appointment of an umpire ; or

(*b*) by declaring that, if the *majority* of the arbitrators agree, the decision of the majority *shall prevail ;* or

(*c*) by empowering the arbitrators to appoint an umpire ; or

(*d*) otherwise as may be agreed between the parties, or, if they cannot agree, as the Court may determine.

(*2*) *Where* an umpire is appointed, the Court shall fix such time as it thinks reasonable for the *making* of his award in case he is required to act.

[S. 510.] Power of Court to appoint arbitrator in certain cases.

5. (*1*) *In any of the following cases, namely :—*

[S. 507 (2).] (*a*) *where* the parties cannot agree *within a reasonable time* with respect *to the appointment of an arbitrator*, or the person *appointed* refuses to accept the *office of arbitrator*, or

(*b*) *where* an arbitrator or umpire—

[S. 510] (*i*) dies, or

(*ii*) refuses or neglects to act or becomes incapable *of acting*, or

(*iii*) leaves British India *in* circumstances showing that he will probably not return at an early date, or

[S. 511.] (*c*) where the arbitrators are empowered by the order of reference to appoint an umpire and fail to do so,

any party may serve *the other party or* the arbitrators, *as the case may be*, with a written notice to appoint an *arbitrator or* umpire.

(*2*) If, within seven *clear* days after such notice has been served or such further time as the Court may in each case allow, *no arbitrator or* no umpire is appointed, *as the case may be*, the Court may, on application by the party who gave the notice, *and after giving the other party an opportunity of being heard*, appoint an *arbitrator or* umpire *or make an order superseding the arbitration, and in such case shall proceed with the suit.*

[S. 512. Powers of arbitrator or umpire appointed under paragraph 4 or 5.

6. Every arbitrator or umpire appointed under paragraph 4 or paragraph 5 shall have the like powers as if his name had been inserted in the order of reference.

[S. 513.] Summoning witnesses and default.

7. (*1*) The Court shall issue the same processes to the parties and witness whom the arbitrator or umpire desires to examine, as the Court may issue in suits tried before it.

(*2*) Persons not attending in accordance with such process, or making any other default, or refusing to give their evidence, or guilty of any contempt to the arbitrator or umpire during the investigation of the matters referred, shall be subject to the like disadvantages, penalties and punishments, by order of the Court on the representation of the arbitrator or umpire, as they would incur for the like offences in suits tried before the Court.

[S. 514.] Extension of time for making award.

8. *Where* the arbitrators *or the umpire* cannot complete the award within the period specified in the order, the Court may, if it thinks fit, either *allow* further time, and from time to time, *either before or after the expiration of the period fixed* for the *making* of the award, enlarge *such* period ; or *may* make an order superseding the arbitration, and in such case shall proceed with the suit.

[S. 515.] Where umpire may arbitrate in lieu of arbitrators.

9. *Where* an umpire has been appointed, he may enter on the reference in the place of the arbitrators,—

(*a*) if they have allowed the appointed time to expire without making an award, or

(*b*) if they have delivered to the Court or to the umpire a notice in writing stating that they cannot agree.

[S. 516.] Award to be signed and filed.

10. *Where* an award in a suit has been made, the persons who made it shall sign it and cause it to be filed in Court, together with any depositions and documents which have been taken and proved before them ; and notice of the filing shall be given to the parties.

[S. 517.] Statement of special case by arbitrators or umpire.

11. Upon any reference by an order of the Court, the arbitrator or umpire may, with the *leave* of the Court, state the award as to the whole or any part thereof in the form of a special case for the opinion of

The Code of Civil Procedure Bill.

(The Second Schedule.—Arbitration.)

the Court, and the Court shall deliver its opinion thereon, and such opinion shall be added to and form part of the award.

Power to modify or correct award.

12. The Court may, by order, modify or correct an award,— [S. 518.]

(*a*) where it appears that a part of the award is upon a matter not referred to arbitration and such part can be separated from the other part and does not affect the decision on the matter referred; or

(*b*) where the award is imperfect in form, or contains any obvious error which can be amended without affecting such decision; or

(*c*) *where the award contains a clerical mistake or an error arising from an accidental slip or omission.*

Order as to costs of arbitration.

13. The Court may also make such order as it thinks fit respecting the costs of the arbitration *where* any question arises respecting such costs and the award contains no sufficient provision concerning them. [S. 519.]

Where award or matter referred to arbitration may be remitted.

14. The Court may remit the award or any matter referred to arbitration to the re-consideration of the same arbitrator or umpire, upon such terms as it thinks fit,— [S. 520.]

(*a*) where the award has left undetermined any of the matters referred to arbitration, or where it determines any matter not referred to arbitration, *unless such matter can be separated without affecting the determination of the matters referred;*

(*b*) where the award is so indefinite as to be incapable of execution;

(*c*) where an objection to the legality of the award is apparent upon the face of it.

Grounds for setting aside award.

15. (*1*) An award remitted under paragraph 14 becomes void on *failure* of the arbitrator or umpire to re-consider it. But no award shall be set aside except on one of the following grounds, namely:— [S. 521.]

(*a*) corruption or misconduct of the arbitrator or umpire;

(*b*) either party having been guilty of fraudulent concealment of any matter which he ought to have disclosed, or of wilfully misleading or deceiving the arbitrator or umpire;

(*c*) the award having been made after the issue of an order by the Court superseding the arbitration and *proceeding with* the suit *or after the expiration of the period allowed by the Court, or being otherwise invalid.*

(*2*) *Where an award becomes void or is set aside under clause* (*1*), *the Court shall make an order superseding the arbitration and in such case shall proceed with the suit.*

Judgment to be according to award.

16. (*1*) *Where* the Court sees no cause to remit the award or any of the matters referred to arbitration for re-consideration in manner aforesaid, and no application has been made to set aside the award, or the Court as refused such application, the Court shall, after the time for making such application has expired, proceed to *pronounce* judgment according to the award. [S. 522.]

(*2*) Upon the judgment so *pronounced* a decree shall follow, *and* no appeal shall lie from such decree except in so far as the decree is in excess of, or not in accordance with, the award.

Order of reference on agreements to refer.

Application to file in Court agreement to refer to arbitration.

17. (*1*) *Where* any persons agree in writing that any difference between them shall be referred to arbitration, the parties to the *agreement*, or any of them, may apply *to any Court having jurisdiction in the matter to which the agreement relates*, that the agreement be filed in Court. [S. 523.]

(*2*) The application shall be in writing and shall be numbered and registered as a suit between one or more of the parties interested or claiming to be interested as plaintiff or plaintiffs, and the others or other of them as defendants or defendant, if the application *has* been presented by all the parties, or, if otherwise, between the applicant as plaintiff and the other parties as defendants.

(*3*) On such application being made, the Court shall direct notice thereof to be given to all the parties to the agreement, other than the applicants, requiring such parties to show cause, within the time specified in the notice, why the agreement should not be filed.

(*4*) *Where* no sufficient cause is shown, the Court *shall order* the agreement to be filed, and shall make an order of reference *to the arbitrator appointed in accordance with the provisions of the agreement* or, *if there is no such provision and the parties cannot agree, the Court may appoint an* arbitrator.

Stay of suit where there is an agreement to refer to arbitration.

18. *Where any party to an agreement to refer to arbitration, or any person claiming under him, institutes any suit against any other party to the agreement, or any person claiming under him, in respect of any matter agreed to be referred, any party to such suit may, at the earliest possible opportunity and in all cases before issues are settled, apply to the Court to stay the suit; and the Court, if satisfied that there is no sufficient reason why the matter should not be referred in accordance with the agreement to refer to arbitration, and that the applicant was, at the time when the suit was instituted and still remains, ready and willing to do all things necessary to the proper conduct of the arbitration, may make an order staying the suit.* [*Cf.* IX of 1899, s. 19.]

Provisions applicable to proceedings under paragraph 17.

19. The foregoing provisions, so far as they are consistent with any agreement filed under paragraph 17, shall be applicable to all proceedings under *the* order of reference made by the Court *under that paragraph*, and to the award and to the decree following thereon. [S. 524.]

Arbitration without the intervention of a Court.

Filing award in matter referred to arbitration without intervention of Court.

20. (*1*) *Where* any matter has been referred to arbitration without the intervention of a Court, and an award has been made thereon, any person interested in the award may apply to *any* Court having jurisdiction over the *subject*-matter *of* the award that the award be filed in Court. [S. 525.]

The Code of Civil Procedure Bill.

(The Second Schedule.—Arbitration.)

(2) The application shall be in writing and shall be numbered and registered as a suit between the applicant as plaintiff and the other parties as defendants.

(3) The Court shall direct notice to be given to the parties to the arbitration, other than the applicant, requiring them to show cause, within a time specified, why the award should not be filed.

[s. 526.] Filing and enforcement of such award.

21. (1) *Where the Court is satisfied that the matter has been referred to arbitration and that an award has been made thereon and where* no ground such as is mentioned or referred to in paragraph 14 or paragraph 15 *is proved,* the Court shall order the award to be filed and shall proceed to pronounce judgment according to the award.

(2) *Upon the judgment so pronounced a decree shall follow, and no appeal shall lie from such decree except in so far as the decree is in excess of or not in accordance with the award.*

[IX of 1899, 3.] *Exclusion of certain words in the Specific Relief Act, 1877.*

22. *The last thirty-seven words of section 21 of the Specific Relief Act, 1877, shall not apply to any agreement to refer to arbitration, or to any award, to which the provisions of this Schedule apply.* *I of 1877.*

[New.] *Forms.*

23. *The forms set forth in the Appendix, with such variations as the circumstances of each case require, shall be used for the respective purposes therein mentioned.*

APPENDIX.

No. 1.

APPLICATION FOR AN ORDER OF REFERENCE.

(Title of suit.)

1. This suit is instituted for *(state nature of claim).*

2. The matter in difference between the parties is (*state matter of difference*).

3. The applicants being all the parties interested have agreed that the matter in difference between them shall be referred to arbitration.

4. The applicants therefore apply for an order of reference.

A B.

C. D.

Dated the day of 19 .

NOTE.—If the parties are agreed as to the arbitrators it should be so stated.

No. 2.

ORDER OF REFERENCE.

(Title of suit.)

Upon reading the application presented on the day of 19 it is ordered that the following matter in difference arising in this suit, namely :— ______

______

______

be referred for determination to X and Y or in case of their not agreeing then to the determination of Z, who is hereby appointed to be umpire; and such arbitrators are to make their award in writing on or before the day of 19 , and in case of the said arbitrators not agreeing in an award the said umpire is to make his award in writing within month after the time during which it is within the power of the arbitrators to make an award shall have ceased.

Liberty to apply.

Given under my hand and the seal of the Court, this day of 19 .

L. S.

Judge.

No. 3.

ORDER FOR APPOINTMENT OF NEW ARBITRATOR.

(Title of suit.)

Whereas by an order, dated the day of 19 [*state order of reference and death, refusal, etc., of arbitrator*], it is by consent ordered that Z be appointed in the place of X

The Code of Civil Procedure Bill.

(The Second Schedule.—Arbitration.)

(deceased, *or as the case may be*) to act as arbitrator with Y, the surviving arbitrator, under the said order; and it is ordered that the award of the said arbitrators be made on or before the day of 19 .

Given under my hand and the seal of the Court this day of 19 .

Judge.

No. 4.

SPECIAL CASE.

(*Title of Suit.*)

In the matter of an arbitration between A. B. of and C. D. of , the following special case is stated for the opinion of the Court :—

[*Here state the facts concisely in numbered paragraphs.*]

The questions of law for the opinion of the Court are :—

First, whether ____________________

Secondly, whether ____________________

X.
Y.

Dated the *day of* *19* .

No. 5.

AWARD.

(*Title of suit.*)

In the matter of an arbitration between A. B. of *and C. D. of* :—

WHEREAS in pursuance of an order of reference made by the Court of and dated the day of 19 the following matter in difference between A. B. and C. D., namely, ____________________

has been referred to us for determination ;

Now we, having duly considered the matter referred to us, do hereby make our award as follows :—

We award—

(a) that ____________________

Dated the *day of* *19* .

X.
Y.

The Code of Civil Procedure Bill.

(The Third Schedule.—Execution of Decrees by Collectors.)

THE THIRD SCHEDULE.

EXECUTION OF DECREES BY COLLECTORS.

[S. 321.] Powers of Collector.

1. *Where* the execution of a decree has been transferred *to the Collector under section 68*, he may—

(*a*) proceed as the Court would proceed *when the sale of immoveable property is postponed in order to enable the judgment-debtor to raise the amount of the decree;* or

(*b*) raise the amount of the decree by letting in perpetuity, or for a term, on payment of a premium, or by mortgaging, the whole or any part of the property ordered to be sold; or

(*c*) sell the property ordered to be sold or so much thereof as may be necessary.

[S. 322.] Procedure of Collector in special cases.

2. Where the execution of a decree, not being a decree ordering the sale of immoveable property in pursuance of a contract specifically affecting the same, but being a decree for *the payment of* money in satisfaction of which the Court has ordered the sale of immoveable property, has been so transferred, the Collector, if, after such inquiry as he thinks necessary, he has reason to believe that all the liabilities of the judgment-debtor can be discharged without a sale of the whole of his available immoveable property, may proceed as hereinafter provided.

[S. 322A.] Notice to be given to decree-holders and to persons having claims on property.

3. (*1*) In *any such case as is referred to* in *paragraph 2*, the Collector shall publish a notice, *allowing a period of sixty days from the date of its publication for compliance and* calling upon—

(*a*) every person holding a decree for *the payment of* money against the judgment-debtor capable of execution by sale of his immoveable property and which such decree-holder desires to have so executed, and every holder of a decree for *the payment of* money in execution of which proceedings for the sale of such property are pending, to produce before the Collector a copy of the decree, and a certificate from the Court which passed or is executing the same, declaring the amount recoverable thereunder;

(*b*) every person having any claim on the said property to submit to the Collector a statement of such claim, and to produce the documents (if any) by which it is evidenced.

(*2*) Such notice shall be published by being *affixed on a conspicuous part of* the court-house of the Court which made the original order *for sale*, and *in* such other places (if any) as the Collector thinks fit; *and* where the address of any such decree-holder or claimant is known, a copy of the notice shall be sent to him by post or otherwise.

[S. 322B.] Amount of decrees for payment of money to be ascertained, and immoveable property available for their satisfaction.

4. (*1*) Upon the expiration of the *said* period, the Collector shall appoint a day for hearing any representations which the judgment-debtor and the decree-holders or claimants (if any) may desire to make, and for holding such inquiry as he may deem necessary for informing himself as to the nature and extent of such decrees and claims and of the judgment-debtor's immoveable property, and may, from time to time, adjourn such hearing and inquiry.

(*2*) *Where* there *is* no dispute as to the fact or extent of the liability of the judgment-debtor to any of the decrees or claims of which the Collector is informed, or as to the relative priorities of such decrees or claims, or as to the liability of any such property for the satisfaction of such decrees or claims, the Collector shall draw up a statement, specifying the amount to be recovered for the discharge of such decrees the order in which such decrees and claims are to be satisfied, and the immoveable property available for that purpose.

(*3*) *Where* any such dispute arises, the Collector shall refer the same, with a statement thereof and his own opinion thereon, to the Court which made the original order *for sale*, and shall, pending the reference, stay proceedings relating to the subject thereof. The Court shall dispose of the dispute if the matter thereof *is* within its jurisdiction, or transmit the case to a competent Court for disposal, and the final decision shall be communicated to the Collector, *who* shall then draw up a statement as above provided in accordance with such decision.

[S. 322C.] Where District Court may issue notices and hold inquiry.

5. The Collector may, instead of himself issuing the notices and holding the inquiry required by *paragraphs 3 and 4*, draw up a statement specifying the circumstances of the judgment-debtor and of his immoveable property so far as they are known to the Collector or appear in the records of his office, and forward such statement to the District Court; and such Court shall thereupon issue the notices, hold the inquiry and draw up the statement required by paragraphs 3 and 4 and transmit such statement to the Collector.

[S. 322D.] Effect of decision of Court as to dispute.

6. The decision by the Court of any dispute arising under *paragraph 4 or paragraph 5* shall, as between the parties thereto, have the force of and be appealable as a decree.

[S. 323.] Scheme for liquidation of decrees for payment of money.

7. *Where* the amount to be recovered and the property available have been determined as provided in *paragraph 4 or paragraph 5*, the Collector may,—

(*1*) if it appears that the amount cannot be recovered without the sale of the whole of the property available, proceed to sell such property; or, if it appears that the amount with interest (if any) in accordance with the decree, and, when not decreed, with interest (if any) at such rate as he thinks reasonable, may be recovered without such sale;

(*2*) raise such amount and interest (notwithstanding *the original* order *for sale*) —

(*a*) by letting in perpetuity or for a term, on payment of a premium, the whole or any part of the said property; or

(*b*) by mortgaging the whole or any part of such property; or

(*c*) by selling part of such property; or

(*d*) by letting on farm, or managing by himself or another, the whole or any part of such property for any term not exceeding twenty years from the date of the order of sale; or

(*e*) partly by one of such modes, and partly by another or others of such modes.

(*3*) For the purpose of managing the whole or any part of such property, the Collector may exercise all the powers of its owner.

The Code of Civil Procedure Bill.

(*The Third Schedule—Execution of Decrees by Collectors.*)

(*4*) For the purpose of improving the saleable value of the property available or any part thereof, or rendering it more suitable for letting or managing, or for preserving the property from sale in satisfaction of an incumbrance, the Collector may discharge the claim of any incumbrancer which has become payable or compound the claim of any incumbrancer whether it has become payable or not, and, for the purpose of providing funds to effect such discharge or composition, may mortgage, let or sell any portion of the property which he deems sufficient. If any dispute arises as to the amount due on any incumbrance with which the Collector proposes to deal under this clause, he may institute a suit in the proper Court, either in his own name or the name of the judgment-debtor, to have an account taken, or he may agree to refer such dispute to the decision of two arbitrators, one to be chosen by each party, or of an umpire to be named by such arbitrators.

(*5*) In proceeding under *clauses* (2), (3) and (4) of this *paragraph* the Collector shall be subject to such rules consistent with this Act as may, from time to time, be made in this behalf by the *Local Government*.

Recovery of balance (if any) after letting or management.

8. *Where*, on the expiration of the letting or management under paragraph 7 the amount to be recovered has not been realized, the Collector shall notify the fact in writing to the judgment-debtor or his representative in interest, stating at the same time that, if the balance necessary to make up the said amount is not paid to the Collector within six weeks *from* the date of such notice, he will proceed to sell the whole or a sufficient part of the said property; and, if on the expiration of the said six weeks the said balance is not so paid, the Collector shall sell such property or part accordingly. [S. 324]

Collector to render accounts to Court.

9. (*1*) The Collector shall, from time to time, render to the Court which made the original order *for sale* an account of all monies which come to his hands and of all charges incurred by him in the exercise and performance of the powers and duties conferred and imposed on him under the provisions of this Schedule, and shall hold the balance at the disposal of the Court. [S. 324A.]

(*2*) Such charges shall include all debts and liabilities from time to time due to the Government in respect of the property or any part thereof, the rent (if any) from time to time due to a superior holder in respect of such property or part, and, if the Collector so directs, the expenses of *any* witnesses summoned by him.

(*3*) The balance shall be applied by the Court—

(*a*) in providing for the maintenance of such members of the judgment-debtor's family (if any) as are entitled to be maintained out of the income of the property, to such amount in the case of each member as the Court thinks fit; and

(*b*) where the Collector has proceeded under paragraph 1, in satisfaction of the original decree in execution of which the Court ordered the sale of immoveable property, or otherwise as the Court may under section 73 direct; or

(*c*) where the Collector has proceeded under paragraph 2,—

(*i*) in keeping down the interest on incumbrances on the property;

(*ii*) where the judgment-debtor has no other sufficient means of subsistence, in providing for his subsistence to such amount as the Court thinks fit; and

(*iii*) in discharging rateably the claims of the original decree-holders and any other decree-holders who have complied with the said notice, and whose claims were included in the amount ordered to be recovered.

(*4*) No other holder of a decree for *the payment of* money shall be entitled to be paid out of such property or balance until the decree-holders who have obtained *such* order have been satisfied, and the residue (if any) shall be paid to the judgment-debtor or such other person as the Court directs.

Sales how to be conducted.

10. Where the Collector sells any property under this Schedule, he shall put it up to public auction in one or more lots, as he thinks fit, and may— [S 325.]

(*a*) fix a reasonable reserved price for each lot;

(*b*) adjourn the sale for a reasonable time whenever, *for reasons to be recorded*, he deems the adjournment necessary for the purpose of obtaining a fair price for the property;

(*c*) buy in the property offered for sale, and re-sell the same by public auction or private contract, as he thinks fit.

Restrictions as to alienation by judgment-debtor or his representative, and prosecution of remedies by decree-holders.

11. (*1*) So long as the Collector can exercise or perform in respect of the judgment-debtor's immoveable property, or any part thereof, any of the powers or duties conferred or imposed on him by *paragraphs 1 to 10*, the judgment-debtor or his representative in interest shall be incompetent to mortgage, charge, lease or alienate such property or part except with the written permission of the Collector, nor shall any Civil Court issue any process against such property or part in execution of a decree for *the payment of* money. [S. 325A]

(*2*) During the same period no Civil Court shall issue any process of execution either against the judgment-debtor or his property in respect of any decree for the satisfaction whereof provision has been made by the Collector under *paragraph 7*.

(*3*) The same period shall be excluded in calculating the period of limitation applicable to the execution of any decree affected by the provisions of this *paragraph* in respect of any remedy of which the decree-holder has been temporarily deprived.

Provision where property is in several districts.

12. *Where* the property of which the sale has been ordered is situate in more districts than one, the powers and duties conferred and imposed on the Collector by *paragraphs 1 to 10* shall be exercised and performed by such one of the Collectors of the said districts as the Local Government may by general rule or special order direct. [S. 325B.]

Powers of Collector to compel attendance and production.

13. In exercising the powers conferred on him by *paragraphs 1 to 10* the Collector shall have the powers of a Civil Court to compel the attendance of parties and witnesses and the production of documents. [S. 325C.]

The Code of Civil Procedure Bill.

(ThFourth Schedule.—Enactments amended.)

THE FOURTH SCHEDULE.

(See section 152.)

ENACTMENTS AMENDED.

<table>
<tr><th>1</th><th>2</th><th>3</th><th>4</th></tr>
<tr><th>Year.</th><th>No.</th><th>Short title.</th><th>Amendment.</th></tr>
<tr><td>1870</td><td>VII</td><td>The Court-fees Act, 1870 . .</td><td>
In article 1 of Schedule I, after the word "plaint" the words "written statement pleading a set-off or counter-claim or memorandum of appeal or of cross objection" shall be inserted.
From article 11 of Schedule II the words "from an order rejecting a plaint or" shall be omitted.
For the entry in; the first column of Schedule II relating to article 19 the following entry shall be substituted, namely :—
"Agreement in writing stating a question for the opinion of the Court under the Code of Civil Procedure."
</td></tr>
<tr><td>1877</td><td>XV</td><td>The Indian Limitation Act, 1877 .</td><td>
To section 5, the following shall be added in paragraph 2, after the words "application for a review of judgment," namely, "or any other application to which this section may be made applicable by the Code of Civil Procedure."
In section 22, for the second and third paragraphs, the following shall be substituted, namely :—
"Provided that, in the case of the substitution or addition of any party owing to an assignment, creation or devolution of any interest during the pendency of a suit, the suit shall, as regards the person to or upon whom such interest has come or devolved, be deemed to have been instituted when it was commenced."
In the Second Schedule, for article 5 the following article shall be substituted, namely :—
<table>
<tr><td>5. Under the Code of Civil Procedure when triable summarily.</td><td>Six months</td><td>When the debt becomes payable or land recoverable or the breach of trust occurs.</td></tr>
</table>
In column 1 of article 160, for the figures "629" the figures "381" shall be substituted.
For articles 163 and 164 the following article shall be substituted, namely :—
<table>
<tr><td>163. By a plaintiff for an order to set aside a dismissal by default or on failure to furnish security for costs.</td><td>Thirty days</td><td>The date of the dismissal.</td></tr>
</table>
In column 1 of article 166, add the words "or on the ground that the judgment-debtor had no saleable interest in the property."
In column 1 of article 172, for the words "person whose interest in the property purported to be sold" the expression "judgment-debtor" shall be substituted.
After article 175C the following article shall be inserted, namely :—
<table>
<tr><td>175D. Under the Code of Civil Procedure to have the legal representative of a deceased plaintiff or of a deceased appellant made a party.</td><td>Ditto .</td><td>The date of the death of the deceased plaintiff or appellant.</td></tr>
</table>
</td></tr>
</table>

The Code of Civil Procedure Bill.

(*The Fifth Schedule.—Enactments repealed.*)

THE FIFTH SCHEDULE.

(*See section 153.*)

ENACTMENTS REPEALED.

1	2	3	4
Year.	No.	Subject or short title.	Extent of repeal.
		Acts of the Governor General in Council.	
1870	VII	The Court-fees Act, 1870 .	Section 16.
1877	*XV*	*The Indian Limitation Act, 1877*.	*Article 172 of the Second Schedule.*
1882	*IV*	*The Transfer of Property Act, 1882*	*Sections 85 to 90 inclusive, 92 to 94 inclusive, 96, 97, 99 and in section 100 the words "and all the provisions hereinbefore contained as to a mortgagee instituting a suit for the sale of the mortgaged property."*
1882	VI	The Indian Companies Act, 1882.	*Sections 99 to 123 inclusive.* *In section 205 the words "under the provisions next hereinafter contained."* *Sections 206 to 211 inclusive.*
"	XIV	The Code of Civil Procedure .	The whole Act.
"	XV	The Presidency Small Cause Courts Act, 1882.	The last paragraph of section 3.
1888	VI	The Debtors Act, 1888 . .	Sections 2 to 8.
"	VII	The Civil Procedure Code Amendment Act, 1888.	So much as is unrepealed, except section 1, section 65 and section 66, sub-sections (*1*), (*3*) and (*4*)
"	X	The Presidency Small Cause Courts Law Amendment Act, 1888.	So much as is unrepealed.
1890	VIII	The Guardian and Wards Act, 1890.	Section 53.
1891	XII	The Repealing and Amending Act, 1891.	So much as relates to Act XIV of 1882 and Act VII of 1888.
1892	VI	The Indian Limitation Act and Civil Procedure Code Amendment Act, 1892.	In the title and preamble *the words* and the Code of Civil Procedure *and* sections 2, 3 and 4.
1894	V	The Civil Procedure Code Amendment Act, 1894	The whole Act.
1895	VII	The Punjab Laws Act Amendment Act, 1895.	Sections 1 and 2.
"	XIII	The Civil Procedure Code Amendment Act, 1895.	The whole Act.
1900	VI	The Lower Burma Courts Act, 1900.	So much of the schedules as relate to Act XIV of 1882.

STATEMENT OF OBJECTS AND REASONS.

The Bill is sufficiently explained in the Report of the Special Committee printed below.

H. ERLE RICHARDS.

Simla, 3rd September 1907.

Report of the Special Committee appointed to consider the amendment of the Civil Procedure Code.

We have the honour to present this report on the proposals to amend the Code of Civil Procedure which have been submitted for our consideration by the Government of India and, annexed to it, a draft Bill amended by us. A detailed account of the alterations introduced in the Bill will be found in the Notes on Clauses which form the second part of this Report, but we desire by way of preface to make some observations of a general character on the defects in the existing law which appear to us to call for reform and on the more important of those alterations.

1. The Code of Civil Procedure of 1882 has been in force for 25 years and the experience of those years has shown that the general lines on which it proceeds are sound. The matters in which it has proved defective are for the most part matters of detail, and they arise, as it seems to us, mainly from the fact that it is impossible to frame a fixed and rigid Code in such a manner as to sufficiently meet the varying needs of an area so diversified as that to which the Code applies. In our opinion it is essential that there should be some machinery to enable variations to be introduced in procedure to meet the different requirements of different localities as well as to enable defects to be remedied as they are discovered without resort to the tardy process of legislation. We propose to make provision for these purposes by a re-arrangement of the Code. We recommend that matters of mere machinery should be relegated to rules capable of alteration by each High Court, subject to certain checks, and that those provisions only should be retained in the body of the Code in which some degree of permanence and uniformity is desirable. This re-arrangement is in accordance with precedent and possesses advantages so obvious that it is needless to enlarge upon them.

2. The objection—and as it appears to us the only objection of substance—that can be urged against this proposal is that until the scheme of distribution has become familiar to those who have to administer the Act the change may cause some confusion and the familiar numerical references to the present sections will no longer apply. We are sensible that some inconvenience must arise from this cause in the first instance, but this is but a small disadvantage in comparison with the advantages to be obtained by the change, and we cannot think that anyone will seriously contend that such a slight and temporary drawback should stand in the way of a reform which appears to us in other respects to be wholly beneficial.

Y

3. The adoption of this principle has necessarily involved a departure from the arrangement of the present Code, but in other respects we have advisedly adhered as closely as possible to the existing language, the meaning of which is now well understood by Courts and by practitioners. Speaking generally, it may be said that we have only departed from the phraseology of the Code where experience has suggested improvements or competent authority has called for some change. We have refrained from altering the wording merely because it might be capable of improvement: for in any change, even of a verbal character, there is a risk of opening a door to fresh litigation. In the amendments that we have introduced we have endeavoured to state general rules of procedure rather than to provide in detail for every possible contingency; for we hold it to be a sound view that excessive elaboration of details of procedure tends to cramp the actions of the Court and in consequence to encourage technicalities. For this reason we have made no attempt to embody in the Code a digest of the very numerous decisions on the existing sections: we have made amendments to meet case law only on points on which there is a conflict of authority. And in this connection we desire to point out that at the present time there is even less justification for the enactment of elaborate provisions in regard to procedure than at the time when the Code of 1882 was passed. Since then the standard of legal efficiency in the mofussil has been materially raised, and the principles of procedure are now so well understood that the Courts may be trusted to apply them intelligently in cases for which no provision may be made in terms.

But although we have made the present Code the basis of our draft, we have carefully examined the Bill settled by the Select Committee in 1903, and we desire to express our acknowledgments to that Committee for the store of information it contains, and for the materials collected in their Report.

Apart from the re-arrangement to which reference has been made we have not introduced many changes of a radical character into the Code.

4. The general nature of some of the amendments we recommend may be conveniently illustrated by a brief examination of the extent to which the various stages of a suit will be affected by them.

A. To begin with it is hoped that the multiplicity of suits will be further curtailed by the new provisions we have inserted to remove limitations which we regard as needless on the comprehensiveness of a suit, and by the wider powers of amendment vested in the Courts under the Bill. An adequate check is provided by the power of a Court to interfere where embarrassment is likely to result.

B. Increased facilities have been given for the service of process to which further reference is made in the Notes on Clauses. It is hoped that in the gradual introduction of service by post may be found a solution of one of the principal defects in our legal system.

C. In our opinion it is most necessary that litigants in this country should come to trial with all issues clearly defined, and that cases should not be expanded or grounds shifted without reference to the true facts. For this purpose we think that the present system of pleadings in the mofussil, which is notoriously lax, should be improved, and we have incorporated in the rules an Order on

pleadings, which it is hoped will lead to sounder and fairer methods of arriving at the real points in dispute. The forms have been revised and we hope that they will be brought into more general use in the mofussil.

We have not been able within the time at our disposal to make these forms, or the other forms in the Appendix to Schedule I, complete: but this is a matter of detail which can be further considered before the Bill is passed into law.

D. It is not possible to secure expedition in the disposal of suits, unless the questions of fact on which there is a real contest are narrowed down as far as possible. As a step towards this, we have incorporated in the rules an Order in which provision is made for the admission not only of documents, but also of facts. It must be left to litigants and their advisers to make adequate use of this order: but it is hoped that the Courts will encourage the use of it, since it certainly affords a means whereby the two principal evils of litigation, delay and expense, can be materially diminished.

E. We attach much importance to a proper use being made by Courts in the mofussil of the procedure prescribed for the first hearing. The Code as it stands makes provision for the examination of parties by the Court, and we have altered the language so as to compel the production of documents at the first hearing. In our opinion this will act as a substantial check on the fabrication of documentary evidence.

F. The provisions relating to the hearing of suits do not call for material alteration, but we have thought it well to provide expressly for the cases where a party dies between conclusion of the hearing and delivery of judgment. It would obviously be wrong that such an accident should in any way interfere with the disposal of the case, and we have therefore inserted a provision to enable judgment to be pronounced notwithstanding the death.

G. A change of importance has been made in regard to decrees. In the first place, we have inserted an express provision recognizing the distinction between preliminary and final decrees. We hope in this way to afford facilities for checking the delay that now results from the objectionable practice of leaving for determination in execution questions which should be decided by the decree. This change should ensure the more expeditious disposal of a class of suits which at present are conspicuous for the delay to which they give rise. Another amendment of importance which we have introduced is in regard to mortgage-suits. These are very numerous and involve complicated questions of law. Hitherto some confusion has been occasioned by the co-existence of the provisions of the Transfer of Property Act and of the Code in regard to execution in mortgage-suits. We think that the provisions regulating this matter should be dealt with in their entirety in the Code, and we have therefore introduced rules in Order XXXIV to give effect to our view. We propose that the sections of the Transfer of Property Act affected by this change should be repealed. We desire to call the attention of those Provinces to which that Act does not apply to the effect of these changes.

In our opinion it is expedient to give greater assistance to the Courts in the framing of decrees. The importance of this branch of procedure cannot be overrated; it is surrounded by difficulties which are a fruitful source of error and consequently of litigation. We have amplified the provisions of the Code to

meet this defect, and have introduced some forms which can be adapted to meet the requirements of individual cases. We think that further forms might be added with advantage before the Bill becomes law.

H. Amongst other matters we have removed limitations which at present exist on the power of appointing Receivers, and have conferred a power to appoint Receivers on Subordinate Courts.

5. *Execution.*—The subject of execution is, perhaps, one of the most difficult with which we have had to deal. The present system, in the mofussil at any rate, tends to excessive delay and affords facilities for defeating the claims of creditors. At the same time the creditor often has only himself to blame, owing to his own laches in prosecuting his rights. In the Presidency Towns the same objections cannot be fairly raised; the system works well; whilst, in the mofussil, the difficulties arise not so much from the machinery itself, as from the defective manner in which it is worked. One of the most fruitful sources of litigation is the setting aside of execution sales, on the ground of irregularity in the publication of the sale proclamation. It is notorious that in many of these cases the Court's officer, either through negligence or dishonesty, has not duly published the proclamation, but it is impossible to deal with such cases by any provision in a Code. After a most careful consideration of the subject, we have not seen our way to any very drastic changes in the present system. We have found ourselves unable to accept the somewhat far reaching proposal of the Committee of 1902 in relation to the execution of decrees by precept: but we are so far in accord with the view expressed by that Committee as to have been able to insert in the Bill a clause which enables the Court which passed the decree to issue a precept to any other Court to attach property of the judgment-debtor, pending execution in the ordinary course. Beyond this we have felt we could not safely go.

We anticipate that there will be a substantial saving of time, and consequent expense, from the provision requiring that mesne profits shall be ascertained by the Court under the decree itself, and not as now in execution proceedings.

Clause 53 has been introduced to settle a long mooted point upon which there is much diversity of judicial opinion, as to whether or not questions as to the liability of ancestral property in the hands of a son or other descendant to whom it has come otherwise than by descent for the payment of the debt for which the decree was passed, can be determined under clause 47 of the present Bill, corresponding with section 244 of the existing Code. We think they should be.

Other amendments deserving notice relate to (1) the power to break open the outer door of the judgment-debtor's dwelling house; (2) the date from which the purchaser's title accrues; (3) oral application for immediate execution; (4) the discretion of the Court in the execution of decrees for the restitution of conjugal rights; (5) execution against partnership property; (6) extended facilities for attaching salaries; and (7) powers to decree-holders to carry decrees into effect at the expense of the judgment-debtor.

We regard the changes made in relation to execution as calculated to materially assist the judgment-creditor in recovering the fruits of his judgment.

6. *Arbitration.*—Two questions of importance have arisen in connection with this subject: (1) should any of the sections of the Arbitration Act of 1899 be incorporated into the Code; (2) should the right of appeal, as now existing, be altered, and if so, in what direction? We are of opinion that the best course would undoubtedly be to eliminate from the Code all the clauses as to arbitration, and insert them in a new and comprehensive Arbitration Act. There are, perhaps, difficulties as to this at present. We have determined therefore to leave the arbitration clauses much as they are in the present Code: but we have placed them in a Schedule in the hope that at no distant date they may be transferred into a comprehensive Arbitration Act.

In regard to appeals, some change has been made. Upon this question, adopting the view of the Judicial Committee as expressed in Ghulam's case (I. L. R., 29 Cal., 167) we are strongly in favour of finality in cases of arbitration. If rights of appeal be given, the disappointed party will take advantage of every such right. To meet the difficulty expressed in the case reported in I. L. R., 25 Cal., 141 (which followed many other cases in the Calcutta High Court), we have inserted the words "or being otherwise invalid" in sub-section (*c*) of section 521 of the present Code. If, therefore, either party considers the award is invalid on any ground, he can apply to have it set aside. We have thought it right to give one appeal from the opinion expressed by the Court on a special case under section 517, and to allow one appeal as from order under sections 521, 523 and 526. And having regard to the rather wide language of the Judicial Committee in Ghulam's case, we have further thought it advisable to make it clear that an order granting an application either under section 523 or 526 is not to be deemed a decree within the meaning of the Code; otherwise there would be a wider right of appeal from orders under these sections than from a decree under section 522. The other alterations deal with the text, rather than with any question of policy or principle.

7. *Suits relating to public matters.*—We have inserted a clause to enable actions for public nuisances to be brought, with the consent of the Advocate General, irrespective of special damage. It has been represented to us that such a power is needed and we concur in that view.

8. *Public charities.*—The suggestion has been made on high authority that some express reference should be made in the Code to the power of the Court to apply the Cy-près doctrine in the settling of schemes. But this power would appear to exist already within its proper limits (*Mayor of Lyons'* case, L. R., 3 I. A., 32) and we do not think it necessary to make express reference to it.

It has been represented to us by more than one gentleman whose opinion is entitled to weight, that the power to enquire into the affairs of public charities should be made more extensive. The clause, as it stands, gives sufficient powers to the Courts to direct accounts and to frame schemes when once a suit has been instituted, but it is said that members of the public interested in any public charity ought to have the means of calling for and inspecting accounts without undertaking the burden of a suit, at least in the first instance. We are told that revenues derived from charitable trusts are in some cases very large in amount: that no accounts of their expenditure are ordinarily rendered, and that there is good ground for believing that a considerable portion is misspent or squandered on useless objects.

The Hon'ble Dr. Rashbehary Ghose supports these views and has submitted a clause to give effect to them. It is in the following terms:—

"93-A. (1) The Court may also, upon an application by any two or more persons having the like interest and having obtained the like consent, direct any trustee of such charity to cause to be prepared and filed in the Court, within such time as may be specified in the order, a detailed account of the receipts and disbursements in connection with the trust property for a period not exceeding three years next preceding the date of the application.

(2) Such accounts, when filed in Court, shall be open to inspection by the public.

(3) A trustee who fails to comply with any such direction shall be removed if a suit for that purpose be instituted, unless he can show good cause for such failure."

We have given to the subject our best consideration and desire to record our sympathy with the motives of the proposers. But we have not inserted the clause in the Bill because we think that the question is one of policy on which the public opinion of the communities interested should first be obtained. It affects primarily, as we understand, the Hindu and, to a less extent, the Muhammadan community. And we should not feel justified in recommending an amendment of the law on such a subject as this, unless the leaders of those communities were to express their support of the proposal in unequivocal terms. If it is eventually decided to adopt the amendment, then we think that the clause proposed by Dr. Ghose may be accepted.

9. *Suits by or against firms.*—Attention is directed to the new provision in regard to suits by or against firms (Order XXX), which will, we hope, prove acceptable to the commercial community.

10. *New procedure.*—We have given power to provide by Rules for Counter-claims, Third Party Procedure, Summary Procedure in suits for debt or liquidated demands, as, for instance, rent, or any other definite sum payable under a contract and Originating summons. We are of opinion that these forms of proceeding may usefully be adopted in some, areas but that this is a matter which should be left for each High Court to decide.

11. *Appeals.*—As regards appeals from original decrees we have departed but slightly from the existing Code. We have thought it advisable to give legislative sanction to the view that no appeal shall lie from a consent decree, or as to costs, except by leave of the Court: but the most important change is that incorporated in clause 97, which renders it obligatory upon a party, who considers himself aggrieved by a preliminary decree, to appeal from that decree, at the risk of being precluded from disputing its correctness on an appeal from the final decree. We feel strongly that this is a most useful provision, as tending to that which is so desirable, *viz.*, finality in litigation.

As regards appeals from appellate decrees the only substantial departure from the existing Code is the insertion of clause 103. Experience has shown the desirability of this clause, the effect of which will be to avoid remands, with their consequent delay and expense.

As regards appeals from orders a comparison of clause 104 of the Bill with section 588 of the existing Code would support a *primâ facie* inference that the right of appeal from Orders had been materially curtailed. But this

inference is dispelled on looking at sub-clause (*h*) of clause 104 which allows an appeal from any Order made under Rules from which an appeal is expressly allowed by Rules. We have gone carefully into the question of the cases in which an appeal should be allowed from these Orders and our conclusion is expressed in the Rules themselves.

12. *Rules.*—The distribution of the provisions of the Code between the body of the Bill and the Rules is a matter on which opinions may well differ. The general principle on which we have proceeded has been to keep in the body of the Bill those provisions which appear to us to be fundamental and those provisions which confer powers operating outside the Province in which the Court is situated. In some cases we have adopted the plan of inserting leading provisions in the Bill, stating in general terms the powers of the Court, and of leaving the details to Rules; in matters of less importance the provisions have been relegated altogether to Rules. The result of this re-arrangement is to reduce the Act, as distinct from Schedules, to 155 clauses. The existing order of sequence has, speaking generally, been maintained, but the reduced bulk of the Bill has rendered it no longer necessary to reproduce the division into Chapters.

It is proposed to vest the power of making Rules in High Courts, subject to the control of Local Governments (or, in the case of the Calcutta High Court, of the Government of India), but we think it most desirable that in exercising this power the Courts should have the advice of representatives of the various branches of the legal profession, and we have accordingly provided that, in the case of Chartered High Courts and of Chief Courts, Rules shall only be made after those Courts have taken the opinion of a Rule Committee on which there will be representatives of the Bar, of Vakeels or Pleaders and, in Presidency-towns, of Attorneys. In the case of other High Courts power has been given to establish such Rule Committees as the Governor General in Council may determine. It is believed that Standing Committees of this kind will be of great value. We have thought it better to require the same sanction as is required by the Indian High Courts Act of 1861, in order that the rule-making power should correspond with the power conferred under that Act; but we are of opinion that, in the interest of uniformity, it is expedient that all amendments of Rules should be communicated to the Government of India and to other High Courts before sanction is given to them. This, we understand, can be effected by executiv order.

If our proposal is adopted, it will probably be useful to publish annually in every Province some manual corresponding to the English "Annual Practice" containing :—

(1) the Act;

(2) all rules of procedure made under it or under other Acts in the Province;

(3) notes of decisions on the Act and Rules.

13. We are sensible that there may be defects and flaws in the Bill which we append to this Report. The subject is complicated and technical and the time at our disposal has been limited. We do not doubt therefore that much improvement may be made in the Bill before it is finally passed into law. But

in our opinion it is framed on the right lines. We believe for the reasons we have stated that in any reform of Civil Procedure it is essential to introduce some elasticity, to give wider powers of control to the High Courts, and to invest them with a larger discretion in regard to the conduct of cases which come before them. Mr. Dikshit, Subordinate Judge from Bombay, has been present throughout our deliberations, and we take this opportunity of acknowledging the help we have derived from his experience of the working of the Code in the mofussil. We desire also to record our acknowledgments of the services of Mr. Law, of the Legislative Department, who has attended to the clerical and press work to our entire satisfaction.

Simla, August 31st, 1907.

H. ERLE RICHARDS.
FRANCIS MACLEAN.
LAWRENCE JENKINS.
S. ISMAY.
RASHBEHARY GHOSE.

NOTES ON CLAUSES.

A.—CLAUSES OF BILL.

PRELIMINARY.

Clause 2.—The definitions have been re-arranged in alphabetical order.

Decree.—The importance of the definition of the word "decree" rests on the fact that by reference to it the right of appeal is determined. The Committee have in the main adhered to the existing definition; but they have modified it in two respects, and this has involved a slight recasting of the language. The principal modification aims at permitting an appeal from an adjudication which purports to settle the rights of the parties, though it does not completely dispose of the suit. Such an adjudication the Committee describe as a preliminary decree.

The *explanation* is intended to make it clear that a decree may be partly final and partly preliminary. Thus a decree for the recovery of possession of immoveable property and for mesne profits would be of this mixed character.

The word "within" has been substituted for "mentioned or referred to in" with a view to bringing within the definition of decree orders against sureties (see clause 142) and orders as to court-fees in pauper suits (see Order XXXIII, rule 13) and thus providing for appeals therefrom.

The only other modification is for the purpose of excluding a right of appeal from an order of dismissal for default.

Legal representative.—We have inserted a definition of "legal representative"—an expression which has been variously interpreted by the High Courts as would appear from the reported cases which are not easily reconciliable with one another. See 8 C. W. N., 843, in which almost all the earlier cases are reviewed.

The Committee trust that the definition which has been added by them will set at rest what owing to the absence of any such definition from the present Code is a somewhat debatable point.

Mesne profits.—The Committee have altered the definition of "mesne profits" so as to exclude from the calculation any increased rents and profits due to improvements made by the person in wrongful possession for which he cannot at present claim compensation from the rightful owner either by way of mitigation of damages or otherwise.

Clause 4.—The clause as drafted will, it is believed, effect all the savings covered by section 4 of the Code. The concluding paragraph of that section is believed to be obsolete and has accordingly not been reproduced. On this point the opinions of Local Governments are invited.

Clause 6.—In view of the extended scope of clause 4 the reproduction of sections 6 and 7 (except as to the final paragraph of section 6) does not appear to be necessary.

The words "or proceedings in suits" have been introduced in this clause to negative the view that a Court to which a decree is sent for execution has jurisdiction to execute the decree though the amount exceeds the limits of the pecuniary jurisdiction of the Court, a point on which there is a conflict of opinion (I. L. R., 17 Mad., 309; I. L. R., 16 Cal., 465, 457).

Clause 7.—The provisions as to Provincial Small Cause Courts have been re-arranged in what is hoped is a more convenient form.

PART I.

Suits in General.

The provisions contained in section 10 of the Code were first enacted by Act XI of 1836 and were reproduced in the Code of 1859 and in subsequent Codes. In the opinion of the Committee their retention is no longer necessary and they have been omitted.

Clause 11.—Res judicata.—It is not possible to make a complete exposition of a subject so complex as that of *res judicata* within the limits of a section of an Act and the Committee think it better to re-enact section 13 as it stands in the Code with such modifications only as experience has shown to be necessary.

The Committee recognize that a proceeding does not come within the language of that section; but they think it better not to deal with this point in express terms for the reason that the applicability of the doctrine of *res judicata* to certain proceedings is not open to doubt, and they foresee that any express reference to proceedings in a crystallised definition might only lead to difficulties (L. R., 11 I. A., 37, and I. L. R., 29 Cal., 707).

The word "another" has been substituted for "former" as being more in conformity with Indian decisions.

Explanation I is new and is intended to affirm the view that the competence of the jurisdiction of a Court does not depend on the right of appeal from its decision.

Explanation VI.—The inclusion of *public rights* is to give due effect to suits relating to public nuisances (clause 91).

Clause 12.—This clause is new and is necessitated by the transfer of certain of the provisions of the existing Code to Rules.

Clause 13.—The provisions as to foreign judgment have been re-arranged and as it is hoped stated more clearly.

Section 14.—The last paragraph has been omitted. It appears to the Committee that it is not possible to maintain this distinction in the case of all Asiatic Courts. The Courts of Japan for instance are entitled to be treated on the same footing as European Courts. They know of no satisfactory distinction which could be drawn so to give effect to the intention of the existing provisions; and they recommend that the paragraph should be omitted and that Courts should rely on the powers given by clause 13.

Place of Suing.—The provisions under this heading have been collected and re-arranged.

Clause 16 (a).—The insertion of the words "with or without rent or profits" is intended to remove any difficulty there may be where the defendant does not reside within the local limits of the Court within whose jurisdiction the property is situate.

Clause 18.—The Committee have added words to this clause in order still further to restrict the taking of technical objections as to jurisdiction.

Clause 20.—The Committee have omitted Explanation III of section 17, which has become unnecessary owing to the addition made to sub-clause (*c*) of the words "wholly or in part" in reference to the cause of action.

Clause 24.—The words "at any stage" have been added to remove the difficulty created by the view that a suit cannot be transferred after the hearing has once commenced, as to which there is a conflict of decision.

Clauses 26-35.—The provisions in Chapters III to XVIII of the present Code have been in the main relegated to Rules, but such general provisions as are believed to be essential have been preserved in clauses 26 to 35.

Clause 32.—The Committee have omitted the last paragraph of section 136 of the Code as they think unnecessary to impose penal consequences for a default of the class indicated.

PART II.

Execution.

Clauses 36-74.—The bulk of the provisions as to execution will be found in the Rules, but the main provisions as to the Courts by which decrees may be executed, the questions to be determined by Courts executing decrees, the limit of time for execution, transferees and legal representatives, procedure in execution, arrest and attachment, the delegation to Collectors of power to execute certain decrees, the distribution of assets and resistance to execution have been retained in the body of the Bill.

Clause 46.—Precept.—Though a system of execution based on precepts is in the opinion of the Committee open to grave objection, they think the idea may be utilized for the purpose of enabling a decree-holder to obtain an interim attachment where there is ground to apprehend that he may otherwise be deprived of the fruits of his decree. They have for this purpose introduced clause 46 into the Bill. They think it expedient to fix a time limit for the continuance of this interim attachment, but at the same time they have empowered the Court to extend the period to meet the exigencies of particular cases.

After careful consideration they have come to the conclusion that notwithstanding attachment under a precept, re-attachment on the ordinary application for execution will still be necessary. Though at first sight it may appear a better course to provide that re-attachment shall not be necessary when the issue of a precept is followed by the ordinary application for execution, after careful consideration they have come to the conclusion that it will be safer to require re-attachment, having regard to the agency by which execution is carried into effect.

Clause 47.—The Committee have omitted sub-clauses (*a*) and (*b*) of section 244 of the existing Code because they are strongly of opinion that questions regarding the amount of any mesne profits or interest should be determined by the decree and not in execution. If this view is accepted it will be possible to exercise an effective control over the action taken by Subordinate Courts in dealing with such matters.

The Committee have redrafted sub-clause (3) and made it compulsory on the Court to determine questions arising as to representatives of parties. In their opinion it is inexpedient that separate suits should be instituted for the decision of such questions. The delay and expense involved are often very great and result in the needless protraction of litigation.

The explanation is intended to put an end to a conflict of judicial decisions.

Section 257A.—The Committee think that section 257A may be omitted with advantage. It was first enacted by Act XII of 1879 with a view to protect the interests of judgment-debtors against the exercise of undue pressure by decree-holders. The section has given rise to conflicting decisions, and as interpreted by the majority of the High Courts is found in practice to be of little service to judgment-debtors. Moreover, section 16 of the Indian Contract Act as amended appears to the Committee to afford adequate protection where it is required.

Clause 51.—This clause states generally the powers of the Court in regard to execution leaving the details to be determined by rules. It will be observed that the power to direct immediate execution is no longer restricted to one class of suits but that it is now general in terms. Any limitation that may be found necessary will be imposed by rules.

Clause 53 has been added by the Committee in order to set at rest a question on which the High Courts are divided in opinion. It is true that where a son or grandson takes any ancestral property by survivorship he is bound to pay out of such property all debts of his ancestor not incurred for immoral or illegal purposes; but whether the creditor can follow the property in the hand of the son or grandson in execution is a debatable point under the Code. The

question is merely one of procedure, and the Committee have come to the conclusion that any controversy between the parties with regard to the liability of the son or grandson to pay the debts of his ancestor should be determined in execution, it being open to them to raise any objection or defence in such proceedings which they might have raised in a separate suit instituted by the creditor, the clause in question not imposing upon them a greater liability than that imposed by the Hindu law.

Clause 55 (1), second proviso.—The object of this proviso is to prevent vexatious forms of resistance to execution which constantly obstruct decree-holders in the execution of their decrees.

Clause 55 (2).—This sub-clause is intended to cover the cases of certain persons or classes of persons whose summary arrest might, as in the case of railway servants, be attended with danger or inconvenience to the public.

Clause 61.—The Committee have reproduced this clause from the former Bill (clause 269B) in accordance with what they understand to be the wishes of the Government. But the conditions should in their opinion be so modified as to relieve the Courts from fixing the portion to be released from attachment.

To impose this duty on the Courts would materially increase their work in a matter in regard to which they are not in a position to form the best opinion and would probably result in an undesirable lack of uniformity.

Clause 62.—The Committee have inserted a new provision to authorize the breaking open of the outer door of a judgment-debtor's house. They do not think that it would be safe to extend the operation of this provision to the house of a stranger.

Section 288.—This section of the present Code first appears in the Code of 1877. It was not suggested by any decided case and the only explanation offered by the Select Committee, by whom it was introduced, is as follows :—

"We think that the proclamation of execution sales should state the incumbrances (if any) to which the interest about to be sold is liable, and we have provided that no judge, etc., shall be answerable for error in the proclamation, unless it has been committed dishonestly."

The Committee are of opinion that, having regard to the provisions of Act XVIII of 1850, the section may safely be omitted.

Clause 64.—An explanation has been added to make it clear that claims within the protection of this clause include claims for rateable distribution of assets.

Clause 69.—The provisions as to Collectors have been placed in a separate schedule. They deal with a special matter and are not of general application.

Clause 73.—The Committee have slightly altered the wording of this clause in order to bring it into line with the Transfer of Property Act, 1882, section 96.

PART III.

Incidental proceedings.

The general powers of Courts in regard to commissions have been summarised in clause 75 and the detailed provision will be found in the First Schedule.

PART IV.

Suits in particular cases.

The bulk of the corresponding part of the present Code will be found in the Rules. The provisions as to suits by aliens, etc., have been retained in the Bill and a few only of the provisions relating to suits by or against the Government. There is a general clause defining the nature of interpleader suits.

Clause 81.—The Committee think that the same measure of protection should be afforded to the defendant where Government undertakes the defence as where the Government makes no application for the purpose, and it appears to the Committee that the proper protection should be that the defendant should be exempt from mesne arrest and his property from mesne attachment. They therefore propose to strike out the proviso from clause 269 and to alter sub-clause (*a*) of clause 270 so as to give effect to this.

Clause 86 (*2*).—The Committee have inserted words in this sub-clause to make it clear that the decision of the Government is final and not open to question by the Court. A doubt had been raised on the point.

PART V.

Special Proceedings.

Arbitration and suits relating to public matters have been discussed in the former part of this Report.

Clause 92 (*Public Charities*).—As a doubt has been expressed in at least one reported decision whether section 539 is or is not mandatory, the Committee have thought it desirable, in order to settle this question, to introduce sub-clause (*2*).

PART VI.

Supplemental Proceedings.

Here again a leading provision has been retained in the Bill, and the details of procedure have been relegated to Rules.

PART VII.

Appeals.

Clause 97.—The Committee have inserted an express provision to compel litigants to appeal from preliminary decrees, and have estopped them, on their failure to do so, from raising objections to such decrees in appeals from final decrees. On this point they accept the unanimous opinion of the Calcutta High Court. They think it unreasonable that parties should allow proceedings to be carried on to their final stage and large costs to be incurred if they intend to rely upon objections which could be taken at an earlier stage.

Clause 99.—The Committee have extended this clause in order to give the Courts a larger discretion in dealing with irregularities in proceedings, and they have inserted express words to meet the point decided in I. L. R., 26 Bom., 259, and I. L. R., 27 Mad., 80, and in a recent decision of the Calcutta High Court.

Clause 100.—The Committee have struck out the word "specified" in the expression "specified law or usage", as being in their opinion redundant.

Clause 105.—Though the remarks of the Privy Council in *Moheshur Sing* v. *The Bengal Government* (7 Moo. I. A., 283) are wide enough to embrace an appeal from an order of remand, the Committee think those orders were probably not in their Lordships' contemplation when they condemned the view that a failure to appeal from an interlocutory order should deprive the person aggrieved of his right to object to such order when subsequently appealing from the decree. And the Committee think there are good reasons on the score of delay and expense for treating an appeal from an order of remand as a special case and precluding an appellant from taking, on an appeal from decree, any objection that might have been urged by way of appeal from an order of remand.

The Committee have deleted the word "such" to remove a difficulty it creates (10 Moo. I. A., 340, 413; 12 Moo. I. A., 157).

PART VIII.

Reference, Review and Revision.

These provisions are not substantially altered. They are summarised in this Part and the details are in Rules.

PART IX.

Chartered High Courts.

Is not materially altered.

PART X.

Rules.

See observations in the former Part of this Report.

PART XI.

Miscellaneous.

The Committee have omitted section 646 as they see no reason specially to differentiate the case of a Registrar, and it is believed that in practice no use is made of the section.

Clause 137.—The Committee have inserted the words "or other person" after the word "officer" in sub-clause (*b*) in order to give the High Court power to relieve the officers of the Courts of the work of administering affidavits in cases in which it may be necessary to do so. It has been represented to them by the Calcutta High Court that this relief is much required.

Clause 140.—The terms of section 583 of the Code do not justify the practice founded on it, and the Committee have therefore recast the section so as to bring it into closer conformity with that practice.

Clauses 145 and 148 to 150 are new. They are intended to enlarge the discretion of Courts.

B.—RULES.

The Committee think that the division of the Rules into Orders will be found convenient for purposes of citation and reference.

Under clause 35 the Court has full power to apportion costs. The Committee understand that in practice the provision of section 26 is not operative in the mufassil, and that part of the section which related to costs has not therefore been reproduced.

O. I, r. 3 (s. 28).—The Committee realize that the words "in respect of the same matter" in rule 3 have given rise to great difficulty, and they think it advisable to follow the wording of the English rule and to omit them.

O. I, rr. 5 and 7.—The Committee thought that it was desirable to add O. XVI, rr. 5 and 7, of the English Rules.

O. III, r. 2 (s. 37).—The provisions of existing Code which are represented by this clause are in somewhat different terms and are limited to persons holding general powers-of-attorney within certain local limits. The Committee think it unnecessary to preserve these limitations and have made the sub-clause general. It follows that the present clause 37 (*b*) becomes unnecessary. It is included in sub-clause (*a*).

The last paragraph of section 37 has been omitted as no longer necessary.

O. III. r. 4 (s. 39).—The Committee are uncertain whether it is necessary to make a reference to the Court of the Judicial Commissioner of Sindh. The point is one for the Government of Bombay.

They also suggest in the alternative that the privilege now enjoyed by all Advocates enrolled in Chartered High Courts shall be extended to those Advocates enrolled in non-Chartered High Courts who are members of the English or Irish bar or of the Faculty of Advocates in Scotland.

O. IV.—Institution of suits.—The greater part of the existing provision on this subject will be found in the Order on Pleadings.

O. VI.—The Committee have added a few rules relating to pleadings based upon the system of pleading introduced by the Judicature Acts in England which is generally admitted to be the best form of pleading in civil suits. In this country outside the Presidency-town the pleadings are seldom artistically drawn. They are neither concise nor precise but contain vague and general statements from which it is difficult to ascertain definitely the real question in controversy between the parties. The sole object of pleadings is thus frequently defeated, the issue is enlarged, the trial is delayed and much unnecessary expense is incurred by the parties who are also liable to be taken by surprise. They have further provided that the forms in the Schedule shall when applicable be used for all pleadings, and when they are not applicable, forms of the like character shall be used. The rules prescribed by us will not prevent the pleader from exercising his discretion; for the amount of detail must necessarily vary with the nature of each suit. It is, however, made clear that there must be particularity sufficient to apprise the Court and the other party of the exact nature of the questions to be tried.

The Committee have also given a party who considers that his opponent's pleading does not give him the information to which he is entitled, the right to apply for further particulars so as to enable him to know what case he has to meet at the trial.

They have, however, endeavoured to modify the rigour of the rules by providing in accordance with section 55 of the Indian Evidence Act that the Court may, notwithstanding the absence of any specific denial, require any fact to be proved by the party who relies upon it.

O. IX.—Section 104 originally formed part of section 60 of Act VIII of 1859, and in combination with the rest of that section it was appropriate. As a separate section, however, it is misleading, and it certainly is not now required in view of the provisions for service on a defendant residing out of British India and for proceeding with a suit *ex-parte* when a defendant does not appear. Its retention would involve a diversity of procedure which the Committee think undesirable (see I. L. R., 23 All., 99).

O. IX, r. 13.—The Committee have inserted words to make it clear that a decree can only be set aside in favour of a defendant against whom the decree has been passed *ex-parte*. There is some conflict of judicial authority upon this point, and the Committee think that the matter should be set at rest in this sense.

O. XI.—Interrogatories.—The provisions in the Code as to discovery are based on the rules of English procedure in force at the time when it was passed. Since then the English procedure has been amended and is now contained in Order 31. This Order has in effect been adopted in the rules regulating the procedure on the original side of the High Courts of Calcutta and Bombay and has, it is believed, been found to work satisfactorily in practice.

On the other hand, in Mufassil Courts little use has yet been made of the machinery of discovery, and the Committee therefore think the rules of the Calcutta and Bombay High Courts on their original sides may be safely adopted without risk of disturbing a procedure with which the Mufassil Courts have become familiarized.

This will secure uniformity of practice and also the advantage of the commentary on the rules prescribed by the English decisions.

O. XII.—Admissions.—The Committee think the practice of admissions may with advantage be extended to facts as well as to documents.

The procedure is not compulsory, but its adoption would result in cheapening and expediting litigation, and it is hoped that its use will be encouraged by the Courts.

O. XIV, r. 6 (s. 150).—There does not seem to be any real conflict as to whether an appeal lies, though at first sight it might appear otherwise. It has therefore been considered unnecessary to provide expressly for an appeal.

O. XX, r. 11 (s. 210).—The Committee have added words to sub-rule (1) of this rule in order to override the ruling of the Bombay High Court in the case of *Raghu Govind Paranjpe* v. *Dipchand* (I. L. R., 4 Bom., 96), as the practice inculcated by that ruling seems to prevail only in the Presidency of Bombay and not in the rest of India.

O. XX, r. 14 (s. 214).—These amendments are based on the rulings contained in the decisions of the High Court of Allahabad at I. L. R., 6 All., 370, 455, and I. L. R., 11 All., 164.

Having regard to the opinion expressed in I. L. R., 24 Mad., at page 463, we have thought it right to make it clear that title vests without an instrument of transfer. To require a transfer now might throw a cloud over numberless title which rest on the assumption sanctioned by long practice that no instrument of transfer was necessary.

O. XX, r. 18 (s. 216).—The Committee have introduced an amendment to give effect to the view that appeals from decrees relating to set-off should lie to the Courts to which appeals in respect of the original claim would lie.

O. XXI, r. 2.—The Committee have omitted certain words from the last paragraph of section 258 of the Code in order to make it clear that the Court cannot recognize a payment or adjustment which has not been certified for any purpose whatsoever. It follows that an uncertified payment or adjustment cannot operate to prolong the period of limitation for applying for execution under the Limitation Act.

O. XXI, r. 3.—The Committee have inserted this rule to provide for cases, which they are told are not uncommon, of an estate being situated within the jurisdiction of two or more Courts. There are decisions on this point, but they are not harmonious, and the Committee think it well to determine the law definitely.

O. XXI, r. 11 (s. 256).—The Committee have omitted the limitation imposed under the existing Code on oral applications for immediate execution. They see no reason why this limitation should be preserved.

O. XXI, r. 11 (e).—The Committee have not given effect to the suggestion that this should be limited to payments and adjustments which the creditor executing the decree is bound by law to recognize, as this would remove a valuable incentive to state truly what payments have been made (see I. L. R., 10 Bom., 288).

O. XXI, r. 20.—The Committee have omitted the words "or his or their representatives." This will be covered by the general clause.

O. XXI, r. 23 (4), explanation and illustration (d), (s. 246).—This addendum has been introduced in accordance with the views of the Calcutta and Allahabad High Courts as expressed in the cases of *Hury Doyal Guho* v. *Din Doyal Guho* (I. L. R., 9 Cal., 479) and *Ram Sukh Dass* v. *Tota Ram* (I. L. R., 14 All., 339).

O. XXI, r. 26 (s. 248).—The Committee have omitted the reference to a decree passed on appeal, for that is ordinarily the decree to be executed. [*Kristo Kinkur Roy* v. *Rajah Burrodacaunt Roy* (14 Moo. I. A., 465) and *Muhammad Sulaiman Khan* v. *Muhammad Yar Khan* (I. L. R., 11 All., 267).]

O. XXI, r. 32 (s. 260).—The Committee have omitted in this rule all reference to a decree for the recovery of a wife, for there can be no such decree under the law, as a wife cannot be treated as a chattel to be delivered over to the husband. Where any third person prevents the wife from returning to her

husband, the latter may obtain an injunction against him which may be enforced in case of disobedience either by the imprisonment of the defendant, or by the attachment of his property, or by both.

O. XXI, r. 34.—Section 261 has been recast so as to bring it into conformity with the chronological order of events, and a provision has been added to meet the requirements of the Indian Registration Act.

O. XXI, rr. 44 and 45.—These provisions were inserted in Bill No. II with the approval of the Government of India, and the Committee have therefore reproduced them in the present edition of the Bill.

O. XXI, r. 56.—The purpose of this rule is to put an end to doubts which from time to time have arisen as to the continuance of an attachment by reason of the practice of "striking off proceedings" or "removing proceedings from the file" for which there is no justification in the Code.

O. XXI, r. 57 (s. 278).—Though the execution of mortgage decree is expressly incorporated in the Code, the Committee still think that claims and objections arising out of the execution of such decrees should not be the subject of summary procedure under this and the following rules, but should be determined in the ordinary course.

This does not imply that the procedure under the later rules as to resistance to possession or dispossession does not apply.

O. XXI, r. 76.—In rules 76 and 83 express reference has been made to a resale so as to make it clear that the default mentioned in those rules will attract the consequence indicated in rule 70. In this connection reference may be made to I. L. R., 7 Cal., 337.

O. XXI, r. 85.—The Committee have altered this rule in order to prevent its being obligatory on the Court to forfeit the deposit in every case. The rule as it stands at present has caused hardship in certain circumstances, *vide* the case of *Sambasiva Ayyar* v. *Vydinada Sami* (I. L. R., 25 Mad., 535).

O. XXI, r. 88 (s. 310A).—Words have been added so as to make it clear that a purchaser acquiring a title before the sale in execution can claim the benefit of the rule. In other respects the Committee consider it advisable to adhere to the wording of the section.

The proposal that the sale should be set aside on payment of the purchase money instead of the amount specified in the proclamation is, in their opinion, fraught with danger: it would be obviously useless unless subsequent protection were given to the property, and such protection might lead to collusion, which would be most prejudicial to the decree-holder.

O. XXI, r. 89.—The Committee have struck out the provision as to irregularity *in attaching the property*, as such irregularity obviously cannot affect the price.

They have introduced the words "rateable distribution of assets" to clear up a doubt which has been the subject of discussion in several cases.

They have altered the language of the proviso in order to meet the doubts which have been raised as to the evidence upon which the Court can act. [*Tasadduk Rasul Khan* v. *Ahmad Husain* (I. L. R., 21 Cal., 66).]

O. XXI, r. 91.—The Committee think it proper to retain the provisions of the Code, which make it necessary for the Court to confirm the sale in each case.

O. XXI, r. 92 (s. 315).—The Committee have added words at the commencement of the clause in substitution of the last paragraph of the section which thus becomes unnecessary.

O. XXI, r. 95 (s. 316).—The Committee have preserved the limitation of three years from the date of the certificate as suggested by the Select Committee in Bill No. II. This clears up a doubt as to the time from which limitation begins to run, which has been discussed on more than one occasion.

O. XXII, r. 1.—The Select Committee struck out two of the four illustrations to section 361 and the Committee think the remaining illustrations may also be deleted as they are too obvious to serve any useful purpose.

O. XXII, r. 3.—The Committee have introduced words in order to conform to the language of the Indian Limitation Act, 1877, as amended.

O. XXII, r. 5 (s. 366).—Though *or* is the word used in the Code of 1882 and the Code of 1877, in the Bill of 1877 the word *and* is used, and it appears to the Committee clear that *and* is required by the context. If *and* is not used, then the contrast with the preceding section is lost.

The explanation can be omitted having regard to the definition of "legal representative" inserted by the Committee.

O. XXIII, r. 3.—The Committee have considered it expedient to alter the language of section 375 so as to recognize the power of a Court to inquire into and to record a disputed compromise.

O. XXV, r. 1 (3) (s. 380).—The Committee have deleted the last words of this sub-rule, because the nature of the suit excludes the possibility of the property in suit being immoveable.

O. XXIX, r. 2.—The Committee have enlarged the language of the Code so as to allow of service by post on corporations having a registered office, and by this means the rule is brought into line with the provisions of the Indian Companies Act. Companies authorized to sue and be sued in the name of an officer or of a trustee must be very few, if, indeed, any exist, and they do not appear to the Committee to call for special treatment.

O. XXX, r. 1.—The Committee have adopted with the necessary alterations the English procedure in relation to suits against firms. This new procedure has been in force for some time in the Presidency-towns of Calcutta and Bombay and has worked satisfactorily.

It is hoped that its general application will be found useful by the mercantile community, for the rules remove technical obstacles which under the present procedure may seriously impede this class of litigation, as where a partner has died.

O. XXXII, r. 3 (4).—This is based on section 443. The Committee think it necessary to ensure that notice should reach one interested in the minor's

welfare, and this rule aims at securing this result. The form of application and of notice in conformity with this sub-rule will be inserted in the schedule of forms.

O. XXXII, r. 9.—The Committee think it expedient that where a guardian insists on his right to be appointed next friend in the place of another there should be power to require him to become liable or give security for costs in the suit previously incurred.

O. XXXII, r. 15.—The Committee have extended this rule so as to cover the case of a person incapacitated from protecting his interests by reason of his mental weakness or of his being a deaf mute.

O. XXXIII, r. 1 (s. 401).—The Committee have not preserved section 402. In the light of the case-law it is misleading, so far as it suggests that a suit will lie for loss of caste or abusive language, and they can see no sufficient reason for withholding from a pauper a right to sue as such in respect of defamation or assault.

O. XXXIV, r. 1.—The proviso to section 85 of the Transfer of Property Act, 1882, has given rise to certain doubts which the Committee have sought to remove by substituting for it the words now added with a view to making it clear that a person not a party is not bound by a decree [*Ram Nath Rai* v. *Lachman Ram* (L. R., 2 I. A., 193).]

The explanation has been inserted in order to remove doubts which have arisen from the conflict of authorities on the point.

O. XXXIV, r. 2 (b).—The Committee have inserted the words "if necessary" before "retransfer" as according to mufassil practice a retransfer is not ordinarily required and they think this practice should not be altered.

O. XXXIV, r. 3.—The Committee have omitted the provision as to the defendant paying money to the plaintiff. They think it better that in every case he should pay it into Court.

O. XXXIV, r. 9.—This rule is new. It is a recognition of existing practice and remedies an obvious omission in the Transfer of Property Act, 1882.

O. XXXIV, r. 11.—The Committee have inserted this rule in compliance with the suggestion of the Privy Council in *Gupi Narain Khanna* v. *Bansidhar* (L. R., 32 I. A., 123). This clause was in the Transfer of Property Bill, but was omitted by the Select Committee on that Bill on the ground that it ought to find a place in the Civil Procedure Code.

O. XXXV, r. 3.—The Committee think that the institution of the interpleader suit affords a sufficient reason for the stay of other litigation in reference to the same subject-matter and they have modified section 476 so as to give effect to this view.

O. XXXVII, r. 1.—As Chapter XXXIX of the Code is transferred into rules, the Committee have not reproduced paragraph (c) of section 538 as its appropriate place will be in rules under the Presidency Small Cause Courts Act, 1882.

O. XXXVII, r. 2.—The explanation to section 532 was inserted to negative the effect of the decision in I. L. R., 1 Cal., 130, but its meaning, as it stands is obscure. The Committee have therefore deleted the explanation, and added words in the body of the rule which will remove the doubts at which the explanation was aimed.

O. XXXVIII, r. 6 (s. 483).—The Committee have omitted the words "property within the jurisdiction of the Court," as they have caused a conflict of decision; and they think, as a matter of policy, there should not be the restriction these words suggest.

O. XXXVIII, r. 13.—This rule represents the views of the Government of India as expressed in the former Bill.

O. XXXIX, r. 6.—Words have been added to section 498 so as to empower the Court to order a sale of securities where the state of the market requires such a course.

O. XL.—Having regard to their standard of efficiency, the Committee see no reason to withhold from Subordinate Judges the power to appoint Receivers. They therefore propose that section 505 of the Code should no longer be retained, for its effect in practice is often to defeat the purpose for which an application is made.

O. XLI.—Section 554 of the Code has been omitted as unnecessary.

O. XLI, r. 5 (s. 545).—The Committee have added words to section 545 in order to make it clear that proceedings under a decree as well as execution can be stayed by an Appellate Court; the recognition of preliminary decrees makes it the more necessary to have an express power to this effect instead of resting on an inherent power [*Balkishen Sahu* v. *Khugnu* (I. L. R., 31 Cal., 722)]. The Committee have introduced express words authorizing an *ex-parte* stay, as the need for such an order constantly arises in practice.

O. XLI, r. 6 (s. 546).—The Committee have modified this rule in order to make it clear that security may be required though the property has previously been taken in execution [see *Hukum Chand Boid* v. *Kamalanand Singh* (I. L. R., 33 Cal., 927)].

O. XLI, r. 7.—The Committee have added this clause to meet particularly the case where the litigant does not quarrel with the decree but appeals from an order passed in execution of that decree (I. L. R., 28 Cal., 734).

O. XLI, r. 23.—After due consideration the Committee have thought it safer not to give legislative sanction to the views enunciated in *Habib Bakhsh* v. *Baldeo Prasad* (I. L. R., 23 All., 167). The power of reversal and remand is liable to be abused, while the procedure under section 566 is free from this liability and at the same time furnishes an effectual remedy.

The words at the end of the rule have been added to clear up a doubt which is stated by the Select Committee to exist as to whether evidence recorded at the original trial can be used on the trial after demand.

O. XLI, r. 34.—The Committee consider it most important that an Appellate Court should have the fullest power to do complete justice between the parties.

The illustration indicates a type of case for which provision is intended to be made.

O. XLII, r. 1 (l).—The extension of time for the payment of mortgage-money is obviously of much greater moment to the mortgagor than to the mortgagee. Therefore the Committee have provided for an appeal from an order refusing, but not from an order granting, an extension of time.

O. XLIII, r. 1 (s. 592).—Words have been added to avoid the conclusion at which the Madras High Court has recently arrived (I. L. R., 26 Mad., 369).

O. XLV, r. 1.—The words "or the construction of a document, which construction may affect the merits," have been omitted, as they appear to be sufficiently covered by the power to refer any question of law.

NOTES ON SCHEDULES.

SCHEDULE IV.

The Committee have amended section 22 of the Limitation Act to supply an omission which has been noticed by the High Courts; namely, the absence of any provision with regard to a devolution of interest *pendente lite* where it takes place otherwise than by reason of death. The section as amended will include not only cases in which a devolution of interest takes place *pendente lite* owing to death but also to other cases in which such devolution occurs.

The Code [s. 312] contemplates the confirmation of a sale of immoveable property immediately on the expiration of the thirty days allowed by article 166 of the Limitation Schedule. But the period allowed for an application to set aside a sale on the ground that the judgment-debtor had no saleable interest therein is sixty days [article 172]. The result is that in some Provinces the confirmation of a sale is delayed for sixty days; whilst, in other Provinces, sales which have been already confirmed are liable to be set aside. The Committee think that in the matter of limitation an application under section 313 should be brought into line with an application under section 311 and they therefore propose to repeal article 172 and to amend article 166 so as to include applications under section 313.

APPENDIX A.

Annexure to Bill to consolidate and amend the Law relating to the Procedure of the Courts of Civil Judicature.

Disposal of provisions of Act XIV of 1882.

Section of Act XIV of 1882.	Clause of Bill.	Order and Rule.
1	Clause 1.	
2		
"Chapter"	Omitted.	
"district" ... ... } "District Court"	Clauses 2 (4) and 3.	
"pleader"	" 2 (15).	
"Government pleader" ...	" 2 (7).	
"Collector"	Omitted.	
"decree"	Clause 2 (2).	
"order"	" 2 (14).	
"judgment"	" 2 (9).	
"judge"	" 2 (8).	
"judgment-debtor" ...	" 2 (10).	
"decree-holder" ...	" 2 (3).	
"written"	Omitted.	
"signed"	Clause 2 (20).	
"foreign Court" ...	" 2 (5).	
"foreign judgment" ...	" 2 (6).	
"public officer" ...	" 2 (17).	
"Government"	Omitted.	

Section of Act XIV of 1882.	Clause of Bill.	Order and Rule.
3	Clauses 151, 153, 154 and 155.	
4	Clause 4.	
4A	" 5.	
5	" 7.	
6, paras. (c) and (d) ...	Omitted.	
6, last para.	Clause 6.	
7	Cf. clause 4.	
8	" clause 8.	
9	Omitted.	
10	Omitted.	
11	Clause 9.	
12	" 10.	
13	" 11.	
Expln. VI.	" 14.	
14	" 13.	
15	" 15.	
16	" 16.	
16A	" 18.	
17	" 20.	
18	" 19.	
19	" 17.	
20	Clauses 22 and 25.	
21	Clause 25.	
22	" 23 (1).	
23	" 23 (2), (3).	
24	" 23 (4).	
25	" 24.	
26	......	O. I, rr. 1, 4 (a).
27	......	" r. 10 (1).

Section of Act XIV of 1882.	Clause of Bill.	Order and Rule.
28	......	O. I. rr. 3, 4 (*b*).
29	......	„ r. 6.
30	......	„ r. 8 (1).
31	......	„ r. 9.
32	......	„ rr. 8 (2), 10 (2), (3), (5), 11.
33	......	„ r. 10 (4).
34	......	„ r. 13.
35	......	„ r. 12.
36	......	O. III, r. 1.
37	......	„ r. 2.
38	......	„ r. 3.
39	......	„ r. 4.
40	......	„ r. 5.
41	......	„ r. 6.
42	......	O. II, r. 1.
43	......	„ r. 2.
44	......	„ rr. 4, 5.
45	......	„ rr. 3, 6.
46 ... ... } 47 ... ... }	......	*Cf.* O. II, rr. 6, 7.
48	Clause 26	O. IV, r. 1.
49	*cf.* clause 135	......
50	......	O. VII, rr. 1 to 6.
51	......	O. VI r. 14.
52	......	„ r. 15.
53	......	„ r. 17.
54	......	O. VII, r. 11.
55	......	„ r. 12.
56	......	„ r. 13.
57	......	„ r. 10.
58	......	„ r. 9.
58, last para.	......	O. IV, r. 2.
59	......	O. VII, r. 14.
60	......	„ r. 15.
61	......	„ r. 16.
62	......	„ r. 17.

Section of Act XIV of 1882.	Clause of Bill.	Order and Rule.
63	... ...	O. VII, r. 18.
64	Clause 27	O. V, r. 1.
65	......	" r. 2.
66	......	" r. 3.
67	......	" r. 4.
68	......	" r. 5.
69	......	" r. 6.
70	......	" r. 7.
71	......	" r. 8.
72	......	" r. 9.
73	......	" r. 10.
74	......	" r. 11.
75	......	" r. 12.
76	......	" r. 13.
77	......	" r. 14.
78	......	" r. 15.
79	......	" r. 16.
80	......	" r. 17.
81	......	" r. 18.
82, para. 1	......	" rr. 19, 20 (1).
83	......	" r. 20 (2).
84	......	" r. 20 (3).
85	Clause 28	" r. 21.
86	......	" r. 22.
87	......	} " rr. 24, 29.
88	......	
89	......	" r. 25.
90	......	" r. 26.
91	......	" r. 30 (1), (2).
92	......	" r. 30 (3).
93	......	O. XLII, r. 1.
94	......	" r. 2.
95	......	" r. 3.
96	......	O. IX, r. 1.
97	......	" r. 2.
98	......	" r. 3.

Section of Act XIV of 1882.	Clause of Bill.	Order and Rule.
99	......	O. IX, r. 4.
99A	......	„ r. 5.
100	......	„ r. 6.
101	......	„ r. 7.
102	......	„ r. 8.
103	......	„ r. 9.
104	Omitted.	
105	......	O. IX, r. 10.
106	......	„ r. 11.
107	......	„ r. 12.
108	......	„ r. 13.
109	......	„ r. 14.
110	......	O. VIII, r. 1.
111	......	„ r. 6.
112	......	„ r. 7.
113	......	„ r. 9.
114	......	*cf.* O. VI. r. 2.
115	......	„ rr. 14, 15.
116	......	*cf.* VI, r. 17.
117	......	O. X, r. 1.
118	......	„ r. 2.
119	......	„ r. 3.
120	......	„ r. 4.
121	......	O. XI, r. 1.
122	Omitted.	
123	......	O. XI, r. 3.
124	......	„ r. 5.
125	......	„ r. 6.
126	......	„ r. 8.
127	......	„ r. 10.
128	......	O. XII, r. 2.
129	......	O. XI. r. 11.
130	......	„ r. 13.
131	......	„ r. 14.
132	......	„ r. 16.
133	......	„ r. 17 (1).

Section of Act XIV of 1882.	Clause of Bill.	Order and Rule.
134	......	O. XI, r. 17 (2).
135	......	„ r. 19.
136	......	„ r. 20.
137	......	O. XIII, r. 10.
138	......	„ r. 1 (1).
139	......	„ r. 2.
140	......	„ rr. 1 (2), 3.
141	......	„ r. 4.
141A	......	„ r. 5.
142	......	„ r. 6.
142A	......	„ r. 7.
143	......	„ r. 8.
144	......	„ r. 9.
145	......	„ r 11.
146	......	O. XIV, rr. 1, 2.
147	......	„ r. 3.
148	......	„ r. 4.
149	......	„ r. 5.
150	......	„ r. 6.
151	......	„ r. 7.
152	......	O. XV, r. 1.
153	......	„ r. 2.
154	......	„ r. 3.
155	......	„ r. 4.
156	......	O. XVII, r. 1.
157	......	„ r. 2.
158	......	„ r. 3.
159	......	O. XVI, r. 1.
160	......	„ r. 2.
161	......	„ r. 3.
162	......	„ r. 4.
163	......	„ r. 5.
164	......	„ r. 6.
165	......	„ r. 7.
166	......	„ r. 8.
167	......	„ r. 9.

Section of Act XIV of 1882.	Clause of Bill.	Order and Rule.
168	......	O. XVI, r. 10.
169	......	" r. 11.
170	......	" r. 12.
171	......	" r. 14.
172	......	" r. 15.
173	......	" r. 16.
174	......	" rr. 10 to 13, 17, 18.
175	......	
176	......	" r. 19.
177	......	" r. 20.
178	......	" r. 21.
179	......	O. XVIII, rr. 1, 2 (1).
180	......	" rr. 2 (2), (3), 3.
181	......	" r. 4.
182	......	" r. 5.
183	......	" r. 6.
184	......	" r. 8.
185	......	" r. 9.
185A, first and second paras. ...	Clause 136	......
185A, third para. ...	......	O. XVIII, r. 7.
186	......	" r. 10.
187	......	" r. 11.
188	......	" r. 12.
189	......	" r. 13.
190	......	" r. 14.
191	......	" r. 15.
192	......	" r. 16.
193	......	" r. 17.
194	......	O. XIX, r. 1.
195	......	" r. 2.
196	......	" r. 3.
197	Clause 137	......
198	......	O. XX, r. 1.
199	......	" r. 2.
200	*cf.* clause 135	......
201		

Section of Act XIV of 1882.	Clause of Bill.	Order and Rule.
202	......	O. XX, r. 3.
203	......	" r. 4.
204	......	" r. 5.
205	......	" r. 7.
206, first and second paras. ...	......	" r. 6.
206, third para.	Clause 149	......
207	......	O. XX, r. 9.
208	......	" r. 10.
209	Clause 34	....
210	......	O. XX, r. 11.
211	Clause 2 (12)	" r. 12.
212		
213	......	" r. 13.
214	......	" r. 14.
215	......	" r. 15.
215A	......	" r. 16.
216	......	" r. 18.
217	......	" r. 19.
218	*cf.* clause 35	
219		
220		......
221		" r. 6 (3).
222		
223, first para.	" 38	.....
223, second and third paras. ...	" 39	......
223, fourth para.	" 41	......
223, fifth para.	......	O. XXI, r. 4.
223, sixth para.	......	" r. 5.
224	......	" r. 6.
225	......	" r. 7.
226	......	" r. 8.
227	......	" r. 9.
228	Clause 42	......
229	" 43	......
229A	" 45	......
229B	" 44	......

Section of Act XIV of 1882.	Clause of the Bill.	Order and Rule.
230, first para.	......	O. XXI, r. 10.
230, second para.	......	" r. 25.
230, third and fourth paras. ...	Clause 48	......
231	......	O. XXI, r. 20.
232	......	" r. 21.
233	Clause 49	......
234	" 50	......
235	......	O. XXI, r. 11 (2).
236	......	" r. 12.
237	......	" r. 13.
238	......	" r. 14.
239	......	" r. 15.
240	......	" r. 16.
241	......	" r. 17.
242	......	" r. 18.
243	......	" r. 19.
244	Clause 47	......
245	......	O. XXI, r. 22.
245A	Clause 56	......
245B	......	O. XXI, r. 37.
246	......	" r. 23.
247	......	" r. 24.
248	......	" r. 26.
249	......	" r. 27.
250	......	" r. 28 (1).
251	......	" rr. 28 (2), (3), 29 (1).
252	Clause 52	......
253	*cf.* Clause 142	......
254	......	O. XXI, r. 30.
255	......	" r. 42.
256	......	" r. 11 (1).
257	......	" r. 1.
257A	Omitted.	
258	......	O. XXI, r. 2.
259	......	" r. 31.
260	......	" r. 32.

Section of Act XIV of 1882.	Clause of Bill.	Order and Rule.
261	......	O. XXI, r. 34 (1) to (4).
262	......	" r. 34 (5).
263	......	" r. 35.
264	...	" r. 36.
265	Clause 54	......
266	" 60	......
267	......	O. XXI, r. 41.
268	......	" r. 46.
269	......	" r. 43.
270	......	" r. 50.
271	Clause 62	......
272	......	O. XXI, r. 51.
273	......	" r. 52.
274	......	" r. 53.
275	......	" r. 54.
276	Clause 64	......
277	......	O. XXI, r. 55.
278	......	" r. 57.
279	......	" r. 58.
280	......	" r. 59.
281	......	" r. 60.
282	......	" r. 61.
283	......	" r. 62.
284	......	" r. 63.
285	Clause 63	......
286	......	O. XXI, r. 64.
287	......	" rr. 65, 69.
288	Omitted.	
289	......	O. XXI, r. 66.
290	......	" r. 67.
291	......	" r. 68.
292	......	" r. 72.
293	......	" r. 70.
294	......	" r. 71.
295	Clause 73	......
296	......	" r. 75.

Section of Act XIV of 1882.	Clause of Bill.	Order and Rule.
297	......	O. XXI, r. 76.
298	......	" r. 77.
299	......	" r. 78 (1).
300	......	" r. 78 (2).
301	......	" r. 78 (3).
302	......	" r. 79.
303	......	" r. 80.
304	......	" r. 81.
305	......	" r. 82.
306	......	" r. 83.
307	......	" r. 84.
308	......	" r. 85.
309	......	" r. 86.
310	......	" r. 87.
310A	......	" r. 88.
311	......	" r. 89.
312	......	" r. 91.
313	......	" r. 90.
314	......	" r. 91.
315	......	" r. 92.
316	Clause 65	" r. 93.
317	" 66	...
318	......	O. XXI, r. 94.
319	......	" r. 95.
320	Clauses 68, 70 and 71	...
321	The Third Schedule.	......
322	The Third Schedule.	......
322A	The Third Schedule.	......
322B	The Third Schedule.	......
322C	The Third Schedule.	......
322D	The Third Schedule.	......
323	The Third Schedule.	......
324	The Third Schedule.	......
324A	The Third Schedule.	......
325	The Third Schedule.	......
325A	The Third Schedule.	......

Section of Act XIV of 1882.	Clause of Bill.	Order and Rule.
325B	The Third Schedule.	
325C		
326	Clause 72.	......
327	" 67.	......
328	......	O. XXI, r. 6.
329	......	" r. 97 (1).
330	......	" r. 97 (2).
331	......	" r. 98.
332	......	" r. 99.
333	......	" r. 100.
334	......	" r. 101.
335	......	" rr. 102, 103.
336	Clause 55	......
337	......	O. XXI, r. 38.
337A	......	" r. 40.
338	Clause 57 (1)	......
339	" 57 (2) to (5)	......
340	" 57 (6)	......
341	" 58	......
342		
343	......	O. XXI, r. 29.
344—360A	Repealed by the Provincial Insolvency Act, 1907.	
361	......	O. XXII, r. 1.
362	......	" r. 2.
363	......	" r. 3.
365	......	" r. 4.
366	......	" r. 5.
367	......	" r. 6.
368	......	" r. 7.
369	......	" r. 9.
370	......	" r. 10.
371	......	" r. 11.
372	......	" r. 12.
372A	......	" r. 15.

Section of Act XIV of 1882.	Clause of Bill.	Order and Rule.
373	......	O. XXIII, r. 1.
374	......	" r. 2.
375	......	" r. 3.
375A	......	" r. 4.
376	......	O. XXIV, r. 1.
377	......	" r. 2.
378	......	" r. 3.
379	......	r. 4.
380	......	O. XXV, r. 1 (1), (3)
381	......	" r. 2.
382	......	" r. 1 (2).
383	......	O. XXVI, r. 1.
384	......	" r. 2.
385	......	" r. 3.
386	Clause 76	" r. 4.
387	......	" r. 5.
388	......	" r. 6.
389	......	" r. 7.
390	......	" r. 8.
391	Clause 78	......
392	......	O. XXVI, r. 9.
393	......	" r. 10.
394	......	" r. 11.
395	......	" r. 12.
396	......	" rr. 13, 14.
397	......	" r. 15.
398	......	" r. 16.
399	......	" r. 17.
400	......	" r. 18.
401	......	O. XXXIII, r. 1.
402	Omitted.	
403	......	O. XXXIII, r. 2.
404	......	" r. 3.
405	......	" r. 5.
406	......	" r. 4.

Section of Act XIV of 1882.	Clause of Bill.	Order and Rule.
407	......	O. XXXIII, r. 5.
408	......	" r. 6.
409	......	" r. 7.
410	......	" r. 8.
411	......	" r. 10.
412	......	" r. 11.
413	......	" r. 15.
414	......	" r. 9.
415	......	" r. 16.
416	Clause 79	O. XXVII, r. 1.
417	......	" r. 2.
418	......	" r. 3.
419	......	" r. 4.
420	......	" r. 5.
421	......	" r. 6.
422	......	O. V, r. 27.
423	......	(O. XXVII, r. 7.)
424	Clause 80	......
425	" 81	......
426 } 427 }	......	O. XXVII, r. 8.
428	Clause 81	......
429	" 82	......
430	" 83	......
431	" 84	......
432	" 85	......
433	" 86	......
434	" 87	......
435	......	O. XXIX, r. 1.
436	......	" rr. 2, 3.
437	......	O. XXXI, r. 1.
438	......	" r. 2.
439	......	" r. 3.
440	......	O. XXXII, rr. 1, 4 (2).
441	......	" r. 5. (1).
442	......	" r. 2.

Section of Act XIV of 1882.	Clause of Bill.	Order and Rule.
443	......	O. XXXII, rr. 3 (1), 4 (2).
444	......	" r. 5 (2).
445	......	" r. 4 (1).
446	......	" r. 9.
447	......	" r. 8.
448	......	" r. 10 (1).
449	......	" r. 10 (2).
450	......	" r. 12 (1).
451	......	" r. 12 (2), (3).
452	......	" r. 12 (4).
453	......	" r. 12 (5).
454	......	" r. 13.
455	......	" r. 14.
456	......	" rr. 3 (2), (3), 4 (4).
457	......	" r. 4 (1).
458	......	" r. 11 (1).
459	......	" r. 11 (2).
460	Omitted.	
461	......	O. XXXII, r. 6.
462	......	" r. 7.
463	......	" r. 15.
464	......	" r. 16.
465	......	O. XXVIII, r. 1.
466	......	" r. 2.
467	......	" r. 3.
468	......	O. V, rr. 28, 29.
470	Clause 88	......
471	......	O. XXXV, r. 1.
472	......	" r. 2.
473	......	" r. 4.
474	......	" r. 5.
475	......	" r. 6.
476	......	" r. 3.
477 ... ... } 478	......	O. XXXVIII, r. 1.
479	......	" r. 2.

Sections of Act XIV of 1882.	Clause of Bill.	Order and Rule.
480	......	O. XXXVIII, r. 3.
481	......	" r. 4.
482	......	" r. 5.
483 ... ... } 484 ... ... }	......	" r. 6.
485	......	" r. 7.
486	......	" r. 8.
487	......	" r. 9.
488	......	" r. 10.
489	......	" r. 11.
490	......	" r. 12.
491	Clause 95	......
492	......	O. XXXIX, r. 1.
493	......	" r. 2.
494	......	" r. 3.
495	......	" r. 5.
496	......	" r. 4.
497	Clause 95	......
498	......	O. XXXIX, r. 6.
499	......	" r. 7.
500	......	" r. 8.
501	......	" r. 9.
502	......	" r. 10.
503	......	O. XL, rr. 1 to 3.
504	......	" r. 5.
505	Omitted.	
506 ... ... 507 ... ... 508 ... ... 509 ... ... 510 ... ... 511 ... ... 512 ... ... 513 ... ... 514 ... ... }	The Second Schedule.	

Section of Act XIV of 1882.	Clause of Bill.	Order and Rule.
515	The Second Schedule.	......
516		......
517		......
518		......
519		......
520		......
521		......
522		......
523		......
524		......
525		......
526		......
527	Clause 90	O. XXXVI, r. 1.
528	......	" r. 2.
529	......	" r. 3.
530	......	" r. 4.
531	......	" r. 5.
532	......	O. XXXVII, r. 2.
533	......	" r. 3.
534	......	" r. 4.
535	......	" r. 5.
536	......	" r. 6.
537	......	" r. 7.
538	......	" r. 1.
539	Clauses 92 and 93	......
540	Clause 96	......
541	......	O. XLI. r. 1.
542	......	" r. 2.
543	......	" r. 3.
544	......	" r. 4.
545	......	" r. 5.
546	......	" r. 6.
547	......	" r. 7.
548	......	" r. 9.
549	......	" r. 10.
550	......	" r. 13.

Section of Act XIV of 1882.	Clause of Bill.	Order and Rule.
551	......	O. XII, r. 11.
552	......	" r. 12.
553	......	" r. 14.
554	Omitted.	
555	......	" r. 15.
556	......	" r. 16.
557	......	" r. 17.
558	......	" r. 18.
559	......	" r. 19.
560	......	" r. 20.
561	......	" r. 21.
562	......	" r. 22.
564	......	" r. 23.
565	......	r. 24.
566	......	" r. 25.
567	......	" r. 26.
568	......	" r. 27.
569	......	" r. 28.
570	......	" r. 29.
571	......	" r. 30.
572	*Cf.* clause 135	......
573		
574	......	O. XL, r. 31.
575	Clause 98	......
576	......	O. XL, r. 34.
577	......	" r. 32.
578	Clause 99	......
579	......	O. XLI, r. 35.
580	......	" r. 36.
581	......	" r. 37.
582	Clause 107	O. XXII, r. 13.
582A	" 146	......
583	" 140	......
584	" 100	......
585	" 101	......

Section of Act XIV of 1882.	Clause of Bill.	Order and Rule.
586	Clanse 102	......
587	" 108	......
588	" 104	O. XLII, r. 1.
589	" 106	......
590	" 108	O. XLII, r. 2.
591	" 105	......
592	......	O. XLIII, r. 1.
593	......	" r. 2.
594	......	O. XLIV, r. 1.
595	Clause 109	......
596	" 110	......
597	" 111	......
598	......	O. XLIV, r. 2.
600	......	" r. 3.
601	......	" r. 6.
602	......	" r. 7.
603	......	" r. 8.
604	......	" r. 9.
605	......	" r. 10.
606	......	" r. 11.
607	......	" r. 12.
608	......	" r. 13.
609	......	" r. 14.
610	......	" r. 15.
611	......	" r. 16.
612	Omitted.	
613		
615		
616	Clause 112	......
617	" 113	O. XLV, r. 1.
618	......	" r. 2.
619	......	" r. 3
620	......	" r. 4.
621	......	" r. 5.
622	Clause 115	......

Section of Act XIV of 1882.	Clause of Bill.	Order and Rule.
623	Clause 114	O. XLVI, r. 1.
624	...	„ r. 2.
625	......	„ r. 3.
626	......	„ r. 4.
627	......	„ r. 5.
628	......	„ r. 6.
629	......	„ r. 7.
630	......	„ r. 8.
631	Clause 116	......
632	„ 117	......
633	„ 122	......
634	„ 118	......
635	„ 119	......
636	......	O. XLVIII, r. 1.
637	Clause 182 (2) (i)	......
638	„ 120	O. XLVIII, r. 3.
639	„ 120	......
640	„ 132	......
641	„ 133	......
642	„ 134	......
643	Omitted.	
644	......	O. XLVII, r. 1.
645	Clause 135	......
645A	„ 138	......
646	Omitted.	
646A	......	O. XLV, r. 6.
646B		„ r. 7.
647	Clause 139	......
648	„ 141	......
649, para. 2.	„ 37	......
650	Omitted	......
650A	Clause 29	......
652	Clauses 122, 129, 130 and 131	......
653	Clause 59	O. XXI, r. 39.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, OCTOBER 4, 1907.

PART IV.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 27th September, 1907 :

NO. 3 OF 1907.

A Bill further to amend the law relating to Private Trusts and Trustees.

WHEREAS it is expedient further to amend the law relating to Private Trusts and Trustees; It is hereby enacted as follows:

Short title.

1. This Act may be called the Indian Trusts (Amendment) Act, 1908.

Amendment of section 20, Act II of 1882.

2. For clause (*d*) of section 20 of the Indian Trusts Act, 1882, the following clause shall be substituted, namely: II of 1882.

"(*d*) in debentures or other securities for money issued, under the authority of any Act of a Legislature established in British India, by or on behalf of any municipal body, port trust, or city improvement trust, in any Presidency-town or in Rangoon Town, or by or on behalf of the trustees of the port of Karachi;".

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to remedy two defects which experience has shown to exist in the law as it stands at present.

Clause (*d*) of section 20 of the Indian Trusts Act, 1882, is in one respect too narrow; in another too wide. It is too narrow, in that it does not permit the investment of trust money in the debentures or other securities of port trusts or city improvement trusts in the large towns of India, which are particularly suitable for such investments. It is too wide, in that it admits of the investment of trust money in the stock of municipal bodies, in the case of which, owing to subsequent legislation, there is no longer the guarantee of solvency which existed at the time of the passing of the original Act. It is to remedy these two defects that the present Bill has been drawn.

The 26th September, 1907.

H. ADAMSON.

T. W. RICHARDSON,

Offg. Secretary to the Government of India.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, OCTOBER 18, 1907.

PART IV.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The Governor General has been pleased, under Rule 23 of the Rules for the Conduct of the Legislative Business of the Council of the Governor General, to order the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the Gazette of India in English, and the Bill and Statement of Objects and Reasons are accordingly hereby published for general information. It is proposed to introduce the Bill at a meeting of the Council of the Governor General for the purpose of making Laws and Regulations to be held on Friday, the 18th October, 1907:

NO. 4 OF 1907.

A Bill to make better provision for the prevention of meetings likely to promote sedition or to cause a disturbance of public tranquillity.

WHEREAS it is expedient to make better provision for the prevention of meetings likely to promote sedition or to cause a disturbance of public tranquillity; It is hereby enacted as follows:—

Short title and extent.

1. (*1*) This Act may be called the Prevention of Seditious Meetings Act, 1907.

(*2*) It extends to the whole of British India, but shall only have operation in such Provinces as the Governor General in Council may from time to time notify in the Gazette of India.

Power of Local Government to notify proclaimed areas.

2. The Local Government may, by notification in the local official Gazette, declare the whole or any part of a Province, in which this Act is for the time being in operation, to be a proclaimed area. [Ordinance No. I 1907.]

Definition.

3. (*1*) In this Act the expression "public meeting" means a meeting which is open to the public or any class or portion of the public, and at which any subject likely to cause disturbance or ill-feeling, or any political subject, is discussed by one or more of those present, or any writing or printed matter relating to any such subject is exhibited or distributed.

(*2*) A meeting may be a public meeting notwithstanding that it is held in a private place and notwithstanding that admission thereto may have been restricted by ticket or otherwise.

(*3*) A meeting of more than twenty persons shall be presumed to be a public meeting within the meaning of the Act until the contrary is proved.

Notice to be given of public meetings.

4. (*1*) No public meeting shall be held in any proclaimed area— [Ditto.]

(*a*) unless written notice of the intention to hold such meeting and of the time and place of such meeting has been given to the District Superintendent of Police or the Commissioner of Police, as the case may be, at least seven days previously; or

(*b*) unless permission to hold such meeting has been obtained in writing from the District Superintendent of Police or the Commissioner of Police, as the case may be.

(2) Any officer of Police, not below the rank of an Inspector, may, by order in writing, depute one or more Police-officers or other persons to attend any such meeting for the purpose of causing a report to be taken of the proceedings.

Power of Police to take report.

5. The District Magistrate or the Commissioner of Police, as the case may be, may at any time by order in writing, of which public notice shall forthwith be given, prohibit any meeting in a proclaimed area if, in his opinion, such meeting is likely to promote sedition or disaffection or to cause a disturbance of the public tranquillity.

Power to prohibit any meetings.

[Ordinance No. I of 1907.]

6. (1) Any person concerned in the promotion or conduct of a public meeting in respect of which neither has notice been given, nor permission obtained, as required by section 4, sub-section (1), shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

Penalties.

(2) Any meeting which has been prohibited under section 5 shall be deemed to be an unlawful assembly within the meaning of Chapter VIII of the Indian Penal Code and of Chapter IX of the Code of Criminal Procedure, 1898.

XLV of 1860. V of 1898.

7. Whoever in a public place or a place of public resort in a proclaimed area, without the permission in writing of the Magistrate of the District or of the Commissioner of Police, as the case may be, previously obtained, delivers any lecture, address or speech on any subject likely to cause disturbance or ill-feeling or on any political subject, or exhibits or distributes any writing or printed matter relating to any such subject, to persons then present, may be arrested without warrant and shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

Penalty for delivery of certain speeches.

8. (1) The Regulation of Meetings Ordinance, 1907, is hereby superseded.

Repeal.

Ordinance No. I of 1907.

(2) Any notification made under section 1, sub-section (2), of the said Ordinance shall continue in force and be deemed to have been issued under section 2 of this Act.

(3) Nothing contained in this Act shall affect—

the previous operation of the said Ordinance or anything duly done or suffered thereunder; or

any obligation or liability incurred under the said Ordinance; or

any punishment incurred in respect of any offence committed against the said Ordinance; or

any investigation or legal proceeding in respect of any such obligation, liability or punishment as aforesaid;

and any such investigation or legal proceeding may be instituted or continued and any such punishment may be imposed as if the said Ordinance had not been superseded or had not expired.

STATEMENT OF OBJECTS AND REASONS.

BY reason of the prevalence in the Punjab and Eastern Bengal and Assam of public meetings which promoted sedition and led to disturbances of the public tranquillity the Governor General was constrained, in the interests of law and order, to make and promulgate, under section 23 of the Indian Councils Act, 1861, Ordinance No. I of 1907, with the object of regulating the holding of meetings in those Provinces. The period during which that Ordinance has the force of law will expire on the 10th November. The occurrences of the last six months have convinced the Government of India that it is necessary, for the preservation of the public peace and for the protection of the law-abiding members of the community, to incorporate in the general law an effective measure for the prevention of seditious meetings and to take power to bring its provisions into operation in any part of India as occasion may require. The Bill now published has been prepared for this purpose.

The 10th October, 1907. H. ADAMSON.

T. W. RICHARDSON,

Offg. Secretary to the Government of India.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, OCTOBER 25, 1907.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of the Governor General on the 18th October, 1907, and is hereby promulgated for general information:

NO. V OF 1907.

An Act further to amend the Local Authorities Loan Act, 1879.

WHEREAS it is expedient further to amend the Local Authorities Loan Act, 1879; It is hereby enacted as follows : XI of 1879.

Short title. 1. This Act may be called the Local Authorities Loan (Amendment) Act, 1907.

Definition of "work". 2. In section 3 of the Local Authorities Loan Act, 1879, the word "and" before the word "funds" shall be omitted, and after the words "vested in such authority" the following shall be inserted, namely, "and 'work' includes a survey whether incidental to any other work or not." XI of 1879.

Amendment of section 8. 3. In clause (*a*) of the proviso to section 8 of the said Act, after the words "Port of Bombay" the words "or Karachi" shall be inserted.

T. W. RICHARDSON,

Offg. Secretary to the Government of India.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, OCTOBER 25, 1907.

PART IV.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 18th October 1907:

NO. 5 OF 1907.

A Bill further to amend the Legal Practitioners Act, 1879.

VIII of 1879. WHEREAS it is expedient further to amend the Legal Practitioners Act, 1879; It is hereby enacted as follows:—

Short title. 1. This Act may be called the Legal Practitioners (Amendment) Act, 1907.

VIII of 1879.

Amendment of section 4 of Act XVIII of 18[79]. 2. In section 4 of the Legal Practitioners Act, 1879, the following amendments shall be made, namely:—

(*a*) after the words "this Act" the words "or enrolled as a Pleader in the Chief Court of the Punjab under section 8 of this Act" shall be inserted; and

(*b*) after the words "no such Vakil" the words "or Pleader" shall be added.

Addition to section 7 of Act XVIII of 1879. 3. To section 7 of the said Act the following shall be added, namely:—

"Provided that, on the admission as a Pleader of any person who has been previously entered as a Vakil or Attorney on the roll of a High Court established by Royal Charter, the High Court may in its discretion issue to such person a certificate authorising him to practise permanently in the courts and in the offices specified therein, and a certificate so issued shall not require to be renewed under this section."

Amendment of section 25 of Act XVIII of 1879. 4. To section 25 of the said Act the following shall be added, namely:—

"Provided also that no stamped paper shall be required in the case of a certificate whether original or renewed authorising, under section 7, a Vakil or Attorney on the roll of a High Court established by Royal Charter to practise as a Pleader."

Amendment of section 38 of Act XVIII of 1879. 5. In section 38 of the said Act, "7," shall be added after "5," and "25," after "16."

STATEMENT OF OBJECTS AND REASONS.

Under the existing law, a Vakil or Attorney who has been entered as such on the rolls of a Chartered High Court and has paid the consolidated fee prescribed by Article 30 of Schedule I of the Indian Stamp Act, 1899, is still required to pay the annual fee prescribed by section 25 of the Legal Practitioners Act, 1879, for the privilege of being permitted to practise as a Pleader in a non-Chartered High Court or in the Courts subordinate to any High Court other than the Chartered High Court on the rolls of which he is entered. The amendments of sections 7 and 25 of the Legal Practitioners Act, 1879, are intended to remove this hardship.

2. It is also proposed to take advantage of the present opportunity to amend section 4 of the Act so as to extend the privileges conferred by that section on Advocates and on Vakils of the Chartered High Courts to Pleaders of the Chief Court of the Punjab.

The 16th October, 1907. H. ADAMSON.

T. W. RICHARDSON,

Offg. Secretary to the Government of India.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, NOVEMBER 8, 1907.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of the Governor General on the 1st November, 1907, and is hereby promulgated for general information:

ACT No. VI OF 1907.

An Act to make better provision for the prevention of public meetings likely to promote sedition or to cause a disturbance of public tranquillity.

WHEREAS it is expedient to make better provision for the prevention of public meetings likely to promote sedition or to cause a disturbance of public tranquillity; It is hereby enacted as follows:

Short title and extent.

1. (*1*) This Act may be called the Prevention of Seditious Meetings Act, 1907.

(*2*) It extends to the whole of British India, but shall have operation only in such Provinces as the Governor General in Council may from time to time notify in the Gazette of India.

Power of Local Government to notify proclaimed areas.

2. (*1*) The Local Government may, by notification in the local official Gazette, declare the whole or any part of a Province, in which this Act is for the time being in operation, to be a proclaimed area.

(*2*) A notification made under sub-section (*1*) shall not remain in force for more than six months, but nothing in this sub-section shall be deemed to prevent the Local Government from making any further notifications in respect of the same area from time to time as it may think fit.

Definition.

3. (*1*) In this Act the expression "public meeting" means a meeting which is open to the public or any class or portion of the public.

(*2*) A meeting may be a public meeting notwithstanding that it is held in a private place and notwithstanding that admission thereto may have been restricted by ticket or otherwise.

(*3*) A meeting of more than twenty persons shall be presumed to be a public meeting within the meaning of this Act until the contrary is proved.

Notice to be given of public meetings.

4. (*1*) No public meeting for the furtherance or discussion of any subject likely to cause disturbance or public excitement or of any political subject or for the exhibition or distribution of any writing or printed matter relating to any such subject shall be held in any proclaimed area—

(*a*) unless written notice of the intention to hold such meeting and of the time and place of such meeting has been given to the District Superintendent of Police or the Commissioner of Police, as the case may be, at least three days previously; or

(*b*) unless permission to hold such meeting has been obtained in writing from the District Superintendent of Police or the Commissioner of Police, as the case may be.

Power of Police to take report.

(*2*) Any officer of Police, not below the rank of an Inspector, may, by order in writing, depute one or more Police-officers or other persons to attend any such meeting for the purpose of causing a report to be taken of the proceedings.

Exception.

(3) Nothing in this section shall apply to any public meeting held under any statutory or other express legal authority or to public meetings convened by a Sheriff or to any public meetings or class of public meetings exempted for that purpose by the Local Government by general or special order.

Power to prohibit public meetings.

5. The District Magistrate or the Commissioner of Police, as the case may be, may at any time by order in writing, of which public notice shall forthwith be given, prohibit any public meeting in a proclaimed area if, in his opinion, such meeting is likely to promote sedition or disaffection or to cause a disturbance of the public tranquillity.

Penalties.

6. (1) Any person concerned in the promotion or conduct of a public meeting held in a proclaimed area contrary to the provisions of section 4 shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

(2) Any public meeting which has been prohibited under section 5 shall be deemed to be an unlawful assembly within the meaning of Chapter VIII of the Indian Penal Code and of Chapter IX of the Code of Criminal Procedure, 1898.

XLV of 1860.
V of 1898.

Penalty for delivery of speeches in public places.

7. Whoever, in a proclaimed area, in a public place or a place of public resort, otherwise than at a public meeting held in accordance with, or exempted from, the provisions of section 4, without the permission in writing of the Magistrate of the District or of the Commissioner of Police, as the case may be, previously obtained, delivers any lecture, address or speech on any subject likely to cause disturbance or public excitement or on any political subject, to persons then present, may be arrested without warrant and shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

Repeal.

8. (1) The Regulation of Meetings Ordinance, 1907, is hereby superseded.

Ordinance No. I of 1907.

(2) Nothing contained in this Act shall affect—

- the previous operation of the said Ordinance or anything duly done or suffered thereunder ; or
- any obligation or liability incurred under the said Ordinance ; or
- any punishment incurred in respect of any offence committed against the said Ordinance ; or
- any investigation or legal proceeding in respect of any such obligation, liability or punishment as aforesaid ;

and any such investigation or legal proceeding may be instituted or continued and any such punishment may be imposed as if the said Ordinance had not been superseded or had not expired.

Duration of Act.

9. This Act shall continue in force until the expiration of three years next after the passing thereof.

T. W. RICHARDSON,
Offg. Secretary to the Government of India.

M DECR ... I.V.E.K.M

Punjab

Gazette

Part V.

1907

INDEX

TO

Punjab Government Gazette

FOR HALF YEAR ENDING

30th June 1907.

PART V.

Punjab Government Press, Lahore—18-10-07—864.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, JANUARY 10, 1907.

PART V.

Acts of the Lieutenant-Governor of the Punjab in Council which have received the assent of His Excellency the Vicer oy and Governor-General.

PUNJAB GOVERNMENT.
LEGISLATIVE DEPARTMENT.

[First publication.]

PUNJAB ACT No. I OF 1906.

PASSED BY THE LIEUTENANT-GOVERNOR OF THE PUNJAB IN COUNCIL.

Received the assent of His Honour the Lieutenant-Governor on the 23rd November 1906 *and that of His Excellency the Viceroy and Governor-General on the* 10th *December* 1906 *; the Governor-General's assent was first published in the* Punjab Government Gazette *on the* 10th *January* 1907.

THE PUNJAB TENANCY ACT, 1887, AMENDMENT ACT, 1906.

An Act to amend certain provisions of the Punjab Tenancy Act, 1887.

WHEREAS it is expedient to amend certain provisions of the Punjab Tenancy Act, 1887; It is hereby enacted as follows :

Short title.

1. This Act may be called the Punjab Tenancy Act, 1887, Amendment Act, 1906.

Meaning of "section".

2. The word "section" as hereinafter used means a section of the said Punjab Tenancy Act, 1887.

Amendment of sub-section (1) of section 30 of Act XVI of 1887.

3. For sub-section (1) of section 30 of the Punjab Tenancy Act, 1887, the following sub-section shall be substituted, namely :

"(1) Whenever the payment of the whole or any part of the land-revenue payable in respect of any land is remitted or suspended, a Revenue-officer may, if the rent be payable in cash or be rent payable in kind of which the amount is fixed, by order, remit or suspend, as the case may be, the payment of the rent of that land to an amount which may bear the same proportion to the whole of the rent payable in respect of the land as the land-revenue of which payment has been remitted or suspended bears to the whole of the land-revenue payable in respect of the land :

"Provided that in the case of an occupancy tenant, whose rent is of the nature hereinbefore in this sub-section described, the remission or suspension of the land-revenue payable in respect of his land shall, in the absence of a written order by a Revenue-officer to the contrary, carry with it a proportionate remission or suspension, as the case may be, of his rent.

"When the payment of the rent of any land has been suspended under this clause it shall remain under suspension until the Collector orders the revenue of that land to be realized."

Amendment of sub-section (5) of section 30 of Act XVI of 1887.

4. For sub-section (*5*) of section 30 the following sub-section shall be substituted, namely:

"(*5*) If the landlord collects from a tenant any rent of which the payment has been remitted, or is under suspension, the Revenue-officer may recover from the landlord the amount or value of the rent so collected, and may also recover by way of penalty a further sum not exceeding such amount or value, and may cause to be refunded to the tenant the amount or value of the rent so collected from him."

Addition of new sub-section after sub-section (6) of section 30 of Act XVI of 1887.

5. After sub-section (*6*) of section 30 the following sub-section shall be added, namely:

"(*7*) Any sum of which the recovery is ordered under sub-section (*5*) on account of rent or penalty may be recovered by the Collector as if it were an arrear of land-revenue."

W. M. HAILEY,

Offg. Secretary to Government, Punjab, Legislative Department.

Punjab Government Press, Lahore—10-1-07—868.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, JANUARY 17, 1907.

PART V.

Acts of the Lieutenant-Governor of the Punjab in Council which have received the assent of His Excellency the Viceroy and Governor-General.

PUNJAB GOVERNMENT. LEGISLATIVE DEPARTMENT.

[Second publication.]

PUNJAB ACT No. I OF 1906.

PASSED BY THE LIEUTENANT-GOVERNOR OF THE PUNJAB IN COUNCIL.

Received the assent of His Honour the Lieutenant-Governor on the 23rd November 1906 *and that of His Excellency the Viceroy and Governor-General on the* 10th *December* 1906 ; *the Governor-General's assent was first published in the* Punjab Government Gazette *on the* 10th *January* 1907.

THE PUNJAB TENANCY ACT, 1887, AMENDMENT ACT, 1906.

An Act to amend certain provisions of the Punjab Tenancy Act, 1887.

WHEREAS it is expedient to amend certain provisions of the Punjab Tenancy Act, 1887 ; It is hereby enacted as follows :

Short title.

1. This Act may be called the Punjab Tenancy Act, 1887, Amendment Act, 1906.

Meaning of "section".

2. The word "section" as hereinafter used means a section of the said Punjab Tenancy Act, 1887.

Amendment of sub-section (1) of section 30 of Act XVI of 1887.

3. For sub-section (1) of section 30 of the Punjab Tenancy Act, 1887, the following sub-section shall be substituted, namely :

"(1) Whenever the payment of the whole or any part of the land-revenue payable in respect of any land is remitted or suspended, a Revenue-officer may, if the rent be payable in cash or be rent payable in kind of which the amount is fixed, by order, remit or suspend, as the case may be, the payment of the rent of that land to an amount which may bear the same proportion to the whole of the rent payable in respect of the land as the land-revenue of which payment has been remitted or suspended bears to the whole of the land-revenue payable in respect of the land :

"Provided that in the case of an occupancy tenant, whose rent is of the nature hereinbefore in this sub-section described, the remission or suspension of the land-revenue payable in respect of his land shall, in the absence of a written order by a Revenue-officer to the contrary, carry with it a proportionate remission or suspension, as the case may be, of his rent.

"When the payment of the rent of any land has been suspended under this clause it shall remain under suspension until the Collector orders the revenue of that land to be realized."

Amendment of sub-section (*5*) of section 30 of Act VI of 1887.

4. For sub-section (*5*) of section 30 the following sub-section shall be substituted, namely:

"(*5*) If the landlord collects from a tenant any rent of which the payment has been remitted, or is under suspension, the Revenue-officer may recover from the landlord the amount or value of the rent so collected, and may also recover by way of penalty a further sum not exceeding such amount or value, and may cause to be refunded to the tenant the amount or value of the rent so collected from him."

Addition of new sub-section after sub-section (*6*) of section 30 of Act XVI of 1887.

5. After sub-section (*6*) of section 30 the following sub-section shall be added, namely:

"(*7*) Any sum of which the recovery is ordered under sub-section (*5*) on account of rent or penalty may be recovered by the Collector as if it were an arrear of land-revenue."

W. M. HAILEY,

Offg. Secretary to Government, Punjab, Legislative Department.

PUNJAB GOVERNMENT.
LEGISLATIVE DEPARTMENT.

—:—

[First publication.]

PUNJAB ACT No. II OF 1906.

PASSED BY THE LIEUTENANT-GOVERNOR OF THE PUNJAB IN COUNCIL.

Received the assent of His Honour the Lieutenant-Governor on the 23rd November 1906 *and that of His Excellency the Viceroy and Governor-General on the* 14*th December* 1906; *the Governor-General's assent was first published in the* Punjab Government Gazette *on the* 17*th January* 1907.

THE PUNJAB DISTRICT BOARDS ACT, AMENDMENT ACT, 1906.

An Act to amend the Punjab District Boards Act, 1883.

Preamble.

WHEREAS it is expedient to amend certain sections of the Punjab District Boards Act, 1883; It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Punjab District Boards Act, Amendment Act, 1906; and

(*2*) It shall come into force on the first day of April 1906.

Amendment of section 5, sub-section (*1*), of the Punjab District Boards Act, 1883.

2. In sub section (*1*) of section 5 of the Punjab District Boards Act, 1883, for the words "one anna" the words "ten pies" shall be substituted.

Substitution of a new section for section 9 of the same Act.

3. For section 9 of the same Act the following section shall be substituted, namely:—

"9. The proceeds of the local rate levied in each district shall, except as provided in section 68, be allotted to the district board established for that district under this Act:

Provided that the Local Government may direct that the whole or any portion of the net proceeds of the local rate levied within the limits of any municipality, notified area or military cantonment, after deducting the expenses of collection, shall be carried to the credit of the municipal or town fund, or made available for the purpose of public improvement in the cantonment or for carrying out therein any rules made under section 26 of the Cantonments Act, 1889."

W. M. HAILEY,

Offg. Secretary to Government, Punjab, Legislative Department.

A,

Punjab Government Press, Lahore—17-1-07—866.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, JANUARY 24, 1907.

PART V.

Acts of the Lieutenant-Governor of the Punjab in Council which have received the assent of His Excellency the Viceroy and Governor-General.

PUNJAB GOVERNMENT. LEGISLATIVE DEPARTMENT.

[Third publication.]

PUNJAB ACT No. I OF 1906.

PASSED BY THE LIEUTENANT-GOVERNOR OF THE PUNJAB IN COUNCIL.

Received the assent of His Honour the Lieutenant-Governor on the 23rd November 1906 and that of His Excellency the Viceroy and Governor-General on the 10th December 1906; the Governor-General's assent was first published in the Punjab Government Gazette *on the 10th January* 1907.

THE PUNJAB TENANCY ACT, 1887, AMENDMENT ACT, 1906.

An Act to amend certain provisions of the Punjab Tenancy Act, 1887.

WHEREAS it is expedient to amend certain provisions of the Punjab Tenancy Act, 1887; It is hereby enacted as follows:

Short title.

1. This Act may be called the Punjab Tenancy Act, 1887, Amendment Act, 1906.

Meaning of "section".

2. The word "section" as hereinafter used means a section of the said Punjab Tenancy Act, 1887.

Amendment of sub-section (1) of section 30 of Act XVI of 1887.

3. For sub-section (1) of section 30 of the Punjab Tenancy Act, 1887, the following sub-section shall be substituted, namely:

"(1) Whenever the payment of the whole or any part of the land-revenue payable in respect of any land is remitted or suspended, a Revenue-officer may, if the rent be payable in cash or be rent payable in kind of which the amount is fixed, by order, remit or suspend, as the case may be, the payment of the rent of that land to an amount which may bear the same proportion to the whole of the rent payable in respect of the land as the land-revenue of which payment has been remitted or suspended bears to the whole of the land-revenue payable in respect of the land:

"Provided that in the case of an occupancy tenant, whose rent is of the nature hereinbefore in this sub-section described, the remission or suspension of the land-revenue payable in respect of his land shall, in the absence of a written order by a Revenue-officer to the contrary, carry with it a proportionate remission or suspension, as the case may be, of his rent.

"When the payment of the rent of any land has been suspended under this clause it shall remain under suspension until the Collector orders the revenue of that land to be realized."

4. For sub-section (5) of section 30 the following sub-section shall be substituted, namely:

Amendment of sub-section (5) of section 30 of Act VI of 1887.

"(5) If the landlord collects from a tenant any rent of which the payment has been remitted, or is under suspension, the Revenue-officer may recover from the landlord the amount or value of the rent so collected, and may also recover by way of penalty a further sum not exceeding such amount or value, and may cause to be refunded to the tenant the amount or value of the rent so collected from him."

5. After sub-section (6) of section 30 the following sub-section shall be added, namely:

Addition of new sub-section after sub-section (6) of section 30 of Act XVI of 1887.

"(7) Any sum of which the recovery is ordered under sub-section (5) on account of rent or penalty may be recovered by the Collector as if it were an arrear of land-revenue."

W. M. HAILEY,

Offg. Secretary to Government, Punjab,

Legislative Department.

PUNJAB GOVERNMENT.
LEGISLATIVE DEPARTMENT.

—:—

[Second publication.]

PUNJAB ACT No. II OF 1906.

PASSED BY THE LIEUTENANT-GOVERNOR OF THE PUNJAB IN COUNCIL.

Received the assent of His Honour the Lieutenant-Governor on the 23rd November 1906 *and that of His Excellency the Viceroy and Governor-General on the 14th December* 1906; *the Governor-General's assent was first published in the* Punjab Government Gazette *on the 17th January* 1907.

THE PUNJAB DISTRICT BOARDS ACT, AMENDMENT ACT, 1906.

An Act to amend the Punjab District Boards Act, 1883.

Preamble.

WHEREAS it is expedient to amend certain sections of the Punjab District Boards Act, 1883; It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Punjab District Boards Act, Amendment Act, 1906; and

(*2*) It shall come into force on the first day of April 1906.

Amendment of section 5, sub-section (*1*), of the Punjab District Boards Act, 1883.

2. In sub-section (*1*) of section 5 of the Punjab District Boards Act, 1883, for the words "one anna" the words "ten pies" shall be substituted.

Substitution of a new section for section 9 of the same Act.

3. For section 9 of the same Act the following section shall be substituted, namely:—

"9. The proceeds of the local rate levied in each district shall, except as provided in section 68, be allotted to the district board established for that district under this Act:

Provided that the Local Government may direct that the whole or any portion of the net proceeds of the local rate levied within the limits of any municipality, notified area or military cantonment, after deducting the expenses of collection, shall be carried to the credit of the municipal or town fund, or made available for the purpose of public improvement in the cantonment or for carrying out therein any rules made under section 26 of the Cantonments Act, 1889."

W. M. HAILEY,

Offg. Secretary to Government, Punjab, Legislative Department.

Punjab Government Press, Lahore—24-1-07—808.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, JANUARY 31, 1907.

PART V.

Acts of the Lieutenant-Governor of the Punjab in Council which have received the assent of His Excellency the Viceroy and Governor-General.

PUNJAB GOVERNMENT. LEGISLATIVE DEPARTMENT.

—:—

[Third publication.]

PUNJAB ACT No. II OF 1906.

PASSED BY THE LIEUTENANT-GOVERNOR OF THE PUNJAB IN COUNCIL.

Received the assent of His Honour the Lieutenant-Governor on the 23rd November 1906 and that of His Excellency the Viceroy and Governor-General on the 14th December 1906; the Governor-General's assent was first published in the Punjab Government Gazette *on the 17th January* 1907.

THE PUNJAB DISTRICT BOARDS ACT, AMENDMENT ACT, 1906.

An Act to amend the Punjab District Boards Act, 1883.

Preamble.

WHEREAS it is expedient to amend certain sections of the Punjab District Boards Act, 1883; It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Punjab District Boards Act, Amendment Act, 1906; and

(2) It shall come into force on the first day of April 1906.

Amendment of section 5, sub-section (1), of the Punjab District Boards Act, 1883.

2. In sub-section (1) of section 5 of the Punjab District Boards Act, 1883, for the words "one anna" the words "ten pies" shall be substituted.

Substitution of a new section for section 9 of the same Act.

3. For section 9 of the same Act the following section shall be substituted, namely:—

"9. The proceeds of the local rate levied in each district shall, except as provided in section 68, be allotted to the district board established for that district under this Act:

Provided that the Local Government may direct that the whole or any portion of the net proceeds of the local rate levied within the limits of any municipality, notified area or military cantonment, after deducting the expenses of collection, shall be carried to the credit of the municipal or town fund, or made available for the purpose of public improvement in the cantonment or for carrying out therein any rules made under section 26 of the Cantonments Act, 1889."

W. M. HAILEY,

Offg. Secretary to Government, Punjab, Legislative Department.

Punjab Government Press, Lahore—31-1-07—868.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, FEBRUARY 21, 1907.

PART V.

PUNJAB GOVERNMENT.

LEGISLATIVE DEPARTMENT.

Report of the Select Committee on the Bill to regulate the use of motor vehicles in the Punjab.

THE following Report of the Select Committee on the Bill to regulate the use of motor vehicles in the Punjab was presented to the Council of the Lieutenant-Governor of the Punjab for the purpose of making Laws and Regulations, on the 21st February 1907.

WE, the undersigned members of the Select Committee to which the Bill to regulate the use of motor vehicles in the Punjab was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our report, with the Bill as amended by us annexed thereto.

1. Letter dated 20th January 1906, from the Deputy Commissioner of Delhi and its enclosures.
2. Letter dated 23rd January 1906, from the Deputy Commissioner of Amritsar.
3. Letter dated 16th January 1906, from the Executive Engineer, North-Western Railway, Amritsar.
4. Letter dated 24th January 1906, from the Executive Engineer, North-Western Railway, Sukkur.
5. Letter dated 27th January 1905, from the Deputy Commissioner, Rawalpindi, and its enclosures.
6. Letter dated 21st January 1906, from D. Hynd, Esquire, Calcutta.
7. Letter dated 30th January 1906, from Carriage and Wagon Superintendent, Oudh and Rohilkhand Railway, Lucknow.
8. Letter No. 623, dated 30th January 1906, from the Deputy Commissioner, Lahore, and its enclosures.
9. Letter from F. R. Bagley, Esquire, Engineer-in-Chief, North-Western Railway Lahore.
10. Letter dated 27th January 1905, from P. Penn-Gaskell, Esquire, Assistant Engineer, Public Works Department, Buildings and Roads Branch, Lahore.
11. Letter from P. D. Agnew, Esquire, Deputy Commissioner, Rawalpindi.

Clause 1 (*3*).—We have removed from this sub-clause, and added as a separate clause (18), the provision giving the Local Government the power to exempt by notification vehicles or classes of vehicles. It is an awkward mode of drafting to provide that the definition of a term in an Act may be modified by a notification, and there are other legal objections to dealing with the matter in this way. The definition of motor vehicles includes motor cycles, and we are of opinion that they should be included. This will not prevent the Local Government from exempting them or any other such vehicles by notification under clause 18.

Clause 2 (*1*).—In clause 2 (*1*) we have inserted after the words "British India" the words "or of the United Kingdom of Great Britain and Ireland." We have considered the question whether an applicant for a license should be called upon to prove his ability to drive. This is not, however, required under the English Act and the Royal Commission in their recent report have after full consideration pronounced against it. The same course has been followed in the Madras and Bombay Acts and we are of opinion that no such proof should be required in the Punjab.

Clause 2 (*2*).—It would, we think, be placing an undue burden on the District Magistrate to require him to grant the licenses in all cases, and we have therefore added the words "or by an officer authorized by him in this behalf." We have also substituted "may" for "shall" in the first line of this sub-clause.

Clause 3.—In considering clause 3 we came to the conclusion that it would be troublesome to the public to require renewal of the license in every case after 12 months, and we have accordingly provided for the extension of the minimum period of the currency of a license to any period not exceeding five years at the discretion of the officer granting it.

Clause 4.—We are of opinion that the driver of a motor vehicle should carry his license with him and produce it on demand, but in order to provide for cases in which the license has been inadvertently left behind we have added a proviso to clause 12 that no prosecution shall be instituted if it is produced before a Magistrate within 48 hours of the demand.

Clause 18.—This clause is based on clause 15 of the Madras Motor-vehicles Bill to which we have added words showing that the exemption may be for a certain local area only.

2. The Bill was published as follows:—In the English edition of the *Punjab Gazette* dated the 28th December 1905, 4th and 11th January 1906. In the Urdu edition of the *Punjab Gazette* dated the 4th, 11th and 18th January 1906.

3. The alterations necessary to give effect to our recommendations and some others mostly of a verbal nature which require no explanation are indicated by italics in the Bill as reprinted. The amendments which we propose do not in our opinion so alter the Bill as to require republication. We, therefore, recommend that it be passed as now amended.

LAHORE:
The 30th January 1907.

T. GORDON WALKER.
D. P. MASSON.
S. FINNEY.

Annexure to Report of Select Committee.

Bill No. 3 of 1905

AS AMENDED BY THE SELECT COMMITTEE.

A Bill to regulate the use of motor vehicles in the Punjab.

WHEREAS it is expedient to regulate the use of motor vehicles in the Punjab;

It is hereby enacted as follows:

Short title. **1.** (*1*) This Act may be called the Punjab Motor Vehicles Act, 1906.

Extent. (*2*) It shall extend to the whole of the Punjab.

Definition. (*3*) "Motor vehicles" includes all vehicles, carriages or other means of conveyance, propelled by mechanical means on ordinary roads, but does not include a vehicle drawn by a motor vehicle. [Bombay Act II of 1904, section 1 (3). Bengal Act III of 1903, section 2. 3 Ed. VII, Cap. 36, section 20 (1).]

Driving without license. **2.** (*1*) Whoever drives a motor vehicle without a license granted for the purpose under sub-section (*2*), or under any enactment other than this Act in force for the time being in any part of British India, *or of the United Kingdom of Great Britain and Ireland*, or employs to drive a motor vehicle any person who is not so licensed, may on conviction be punished with fine which may extend to fifty rupees, or in the case of a second or subsequent conviction, to one hundred rupees. [Bombay Act II of 1904, section 4 (1). 3 Ed. VII, Cap. 36, section 3 (1).]

Grant of license. (*2*) A license to drive a motor vehicle *may* be granted by the District Magistrate *or by an officer authorized by him in this behalf, on payment of a fee calculated at the rate of two rupees per annum* to any person over the age of eighteen years *applying* for it, who is not disqualified under section 8, and shall be in such form and subject to such general or special conditions as the Local Government may by rule made under this Act prescribe. [3 Ed. VII, Cap. 36, section 3 (2). Bombay Act II of 1904, section 4 (2).]

Duration and renewal of license. **3.** Every license *granted under this Act* shall remain in force for *such* period *not less than one or more than five years from the date on which it is granted as the District Magistrate or any officer authorized by him to grant licenses may in each case prescribe*, but shall be renewable, and the same provisions shall apply to the renewal of the license as apply to the grant thereof. [3 Ed. VII, Cap. 36, section 3 (3). Bombay Act II of 1904, section 5.]

Production of license. **4.** The driver of a motor vehicle shall produce his license upon demand by any police officer above the rank of constable. [Bombay Act II of 1904, section 6.]

License not transferable. **5.** The holder of a license shall not lend it to, nor allow it to be used by, any other person. [Cf. 3 Ed. VII, Cap. 36, section 3 (4). Bombay Act II of 1904, section 7.]

Reckless driving. **6.** Whoever drives a motor vehicle recklessly or negligently, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road, and to the amount of traffic which actually is at the time, or which might reasonably be expected to be, on the road, may on conviction be punished with fine which may extend to one hundred rupees, or, in the case of a second or subsequent conviction, to two hundred rupees. [3 Ed. VII, Cap. 36, section 1 (1). Bombay Act II of 1904, section 2.]

Duty to stop in case of accident. **7.** (*1*) Where any accident occurs to any person whether on foot, on horseback, or a vehicle or to any horse or vehicle in charge of any person, owing to the presence of a motor vehicle on the road, whoever is in charge of such motor vehicle shall stop *it for a reasonable time*, and, if required, give his name and address, and also the name and address of the owner of such motor vehicle. [Bombay Act II of 1904, section 3 (1). 3 Ed. VII, Cap. 36, section 6.]

Penalty. (*2*) Any voluntary breach of sub-section (*1*) may on conviction be punished with fine which may extend to fifty rupees, or, in the case of a second or subsequent conviction, to one hundred rupees. [Bombay Act II of 1904, section 3 (2).]

Suspension and disqualifications. **8.** (*1*) Any *Magistrate* by whom any person is convicted of an offence under this Act, or of any offence in connection with the driving of a motor vehicle, [Bombay Act II of 1904, section 8. 3 Ed. VII, Cap. 36, section 4.]

(*a*) where the person convicted holds a license to drive a motor vehicle granted *or renewed under this Act* or *granted* under any enactment other than this Act in force for the time being in any part of British India, *or of the United Kingdom of Great Britain and Ireland*,

(*i*) may suspend such license for such time as *he* thinks fit, and may also declare such person disqualified for obtaining a license for such further time after the expiration thereof as *he* thinks fit, and

(*ii*) shall cause particulars of the conviction and of any order made under this clause to be endorsed upon such license, and shall also cause a copy of these particulars to be sent to the authority by which such license has been granted,

and

(*b*) where the person convicted does not hold such a license, may declare him disqualified from obtaining a license for such time as *he* thinks fit.

Bombay Act II of 1904, section 8 (2).

Production of license for endorsement.

(2) Any person so convicted shall, if he holds such a license, produce it for endorsement within such period as the *Magistrate may* direct.

Effect of order under sub-section (1).

(3) A license suspended under sub-clause (*i*) of clause (*a*) of sub-section (*1*) shall during the period of suspension be of no effect, and a person whose license is so suspended, or who is declared, under sub-clause (*i*) of clause (*a*) or under clause (*b*) of sub-section (*1*) to be disqualified for obtaining a license, shall during the period of suspension or disqualification be disqualified for obtaining a license.

Bombay Act II of 1904, section 8 (4).

Application by disqualified person.

(4) No person who is disqualified for obtaining a license, shall apply for, or obtain, a license, and no person whose license has been endorsed shall apply for, or obtain, a license without giving particulars of the endorsement; and any license held by a person who is so disqualified shall during the period of disqualification be of no effect.

License held by such person void.

Bombay Act II of 1904, section 9.

Power of the Local Government to prohibit letting or plying for hire except under permit.

9. (*1*) The Local Government may, by notification published in the *Punjab Gazette*, prohibit, within any area, or along any road specified in such notification, the letting or plying for hire of any motor vehicle, except under a permit granted by the Local Government, or by such officer, if any, as *it* may appoint in this behalf, subject to such general or special conditions as the Local Government or such officer may see fit to prescribe.

(2) The grant of any such permit shall be at the absolute discretion of the Local Government or of such officer subject to the control of the Local Government:

Provided that the grant of a permit under sub-section (*1*) shall not in any way hinder or restrict the grant of another permit to any other person.

Bombay Act II of 1904, section 10.

Power of Local Government to make rules.

10. (*1*) The Local Government may, by notification published in the *Punjab Gazette*, make rules to regulate the use of motor vehicles, and may by a like notification direct that any such rule shall apply to the whole or to any part of the Punjab.

(2) In particular and without prejudice to the generality of the foregoing power, the Local Government may make rules under this section containing directions as to all or any of the following matters, namely:

(*a*) the speed at which motor vehicles may be driven,

(*b*) prescribing the form of application under section 2, sub-section (2), and the form of license to be granted under that sub-section,

(*c*) the displaying of numbers or names on motor vehicles, and the registration thereof,

(*d*) prohibiting the driving of motor vehicles *or regulating the hours within which motor vehicles may be driven* on foot ways, roads, streets, or in hill stations or other places, where their use may be attended with danger to the public; or *regulating* the hours within which no vehicle other than a motor vehicle shall be driven, on any such foot way, road or street not vested in any municipality, or in any such hill station or other place,

(*e*) the carrying and use of a horn, bell or other instrument on motor vehicles for giving audible and sufficient warning of their approach or position,

(*f*) the carrying of lights on motor vehicles between sunset and sunrise, and the description of such lights and the position in which they should be placed,

(*g*) the stoppage of motor vehicles when required by the police for the regulation of traffic or for other reasonable purpose, and

(*h*) generally the prevention of danger or injury to persons, animals, vehicles or goods, and the prevention of obstruction to traffic.

3 Ed. VII Cap 36 section 10. Bombay Act II of 1904, section 11.

Local authorities to post notices.

11. Every municipality, cantonment authority and district local board, within their respective areas,

(*a*) shall for the purpose of giving effect to any rule of local application made under section 10, sub-section (2), clause (*a*) or (*d*), post

notices in conspicuous places on or near the foot way, road, street, or in or near the place to which such rule refers, and

and erect sign posts.

(*b*) may erect sign posts denoting dangerous corners, cross roads and precipitous places, where sign posts appear to them to be necessary.

Breach of section or rule.

12. Any breach of section 4 or 5 or sub-section (*2*) or *sub-section* (*4*) of section 8, or of any rule made under section 10, may on conviction be punished with fine which may extend to fifty rupees, or, in the case of a second or subsequent conviction, to one hundred rupees:

Provided that no prosecution for a breach of the provisions of section 4 shall be instituted if the driver whose license has been demanded produces the same before a Magistrate within 48 hours of the demand.

Breach of prohibition made, or condition of permit granted, under section 9.

13. Any breach of any prohibition made or of any condition of any permit granted, under section 9, sub-section (*1*), may on conviction be punished with fine which may extend to two hundred and fifty rupees, or, in the case of a second or subsequent conviction, to five hundred rupees.

Offences by whom triable.

14. Offences under this Act shall be triable by any Magistrate of the first or second class within whose jurisdiction any such offence may have been committed.

Saving of liability.

15. Nothing in this Act shall affect any liability whatever, whether civil or criminal, of the driver or owner of a motor vehicle arising from any other enactment or otherwise. 3 Ed. VII, Cap. 36, section 5. Bombay Act II of 1904, section 15.

Previous publication.

16. The power to make rules under section 10, and prohibitions under section 9, sub-section (*1*), shall be subject to the condition of previous publication. Bombay Act II of 1904, section 16.

Arrest of offenders without warrant.

17. (*1*) Any police officer may without an order from a Magistrate and without a warrant, arrest any person committing in his view a breach of any rule made under section 10, if the name and residence of such person be unknown to such officer and cannot be ascertained by him then and there. Bengal Act III of 1903, section 5.

(*2*) When any such arrest has been made, the provisions of section 57, sub-sections (*2*) and (*3*), and sections 60 to 63 of the Code of Criminal Procedure, 1898, shall apply.

Power of Local Government to exempt certain vehicles from operation of Act.

18. Notwithstanding anything hereinbefore contained, the Local Government may by the publication of a notification exempt, either generally, or for a specified period, or in any local area, any particular motor vehicles or classes of motor vehicles from the operation of all or any of the provisions of this Act, and may vary or rescind such notification.

C. BEVAN PETMAN,

Acting Secy., Leg. Council, Punjab.

PUNJAB GOVERNMENT.

LEGISLATIVE DEPARTMENT.

Report of the Select Committee on the Bill to amend the Punjab Alienation of Land Act, 1900.

THE following Report of the Select Committee on the Bill to amend the Punjab Alienation of Land Act, 1900, was presented to the Council of the Lieutenant-Governor of the Punjab for the purpose of making Laws and Regulations, on the 21st February 1907 :—

We, the undersigned Members of the Select Committee to which the Bill to amend the Punjab Alienation of Land Act, 1900, was referred, have considered the provisions of the Bill and the opinions on it; and have now the honour to submit our report, with a copy of the Bill as amended by us annexed thereto.

The Bill was introduced at a meeting of the Legislative Council held at Lahore on the 25th October 1906, when the motions were put and agreed to—

(1) that the Bill be referred to a Select Committee consisting of the Hon'ble Mr. DOUIE, the Hon'ble Mr. SHAH DIN, the Hon'ble Sir PARTAP SINGH, the Hon'ble Malik UMAR HAYAT KHAN, Tiwana, and the MOVER (the Hon'ble Mr. GORDON WALKER);

(2) that the Bill be circulated for the purpose of eliciting opinions thereon.

The Hon'ble Mr. SHAH DIN has ceased to be a Member of the Council, and the Hon'ble Malik UMAR HAYAT KHAN has been unable to attend the meeting of the Select Committee.

We have considered the opinions expressed on the measure, and find that the proposed abolition of the statutory agriculturist, which is the main feature of the Bill, has been generally approved by the authorities consulted. In the following remarks we will deal with the other provisions which seem to us to require special notice.

Clause 2 *(2)*.—We have considered the question whether the words "any right of occupancy" which it is proposed to introduce as (*f*) in section 2 (*3*) of the Act are sufficiently wide to cover occupancy rights which may be acquired otherwise than under the Punjab Tenancy Act. As an instance of such rights may be mentioned the rights of *Mukararidars* in the Rawalpindi division. We are of opinion that it is unnecessary to add to the language used for the purpose of making it clear that it is intended to cover such rights.

Clause 4 *(2)*.—We have made an important alteration in proviso (*2*) to sub-clause (*2*) of clause 4. This proviso as drafted made it necessary that every (*a*) sale of a right of occupancy by a tenant to his landlord and (*b*) gift made for a religious or charitable purpose should be reported to the Deputy Commissioner, but that the Deputy Commissioner's sanction must be given if he was satisfied that the transaction was in fact what it purported to be. This provision has been subjected to a good deal of criticism. Its object was to insure against evasions of the Act by transactions which professed to be of one or other of these characters, but were not so in fact. We are of opinion that the danger of evasions under (*a*) is so slight that it is quite unnecessary to resort to the rather cumbrous expedient proposed for the purpose of detecting them. As regards (*b*), it has been suggested to the Committee by the Hon'ble Sardar PARTAP SINGH that the provisions requiring the sanction of

the Deputy Commissioner to gifts for religious purposes, though accompanied by the condition that sanction will be given where he is satisfied that there is no attempt to evade the provisions of the Act, have aroused some apprehension as to possible interference with *dharamarth* and other donations of a like character. It has also been represented that in parts of the country the custom of making small death-bed gifts for religious purposes is very common, and that it would be vexatious to require such transactions to be reported for sanction. We do not believe that the danger is really great that the law will be evaded to any extent worth mentioning by fictitious gifts for religious purposes which are in re[ali]ty sales. Under these circumstances we have come to the conclusion that the proviso goes further than is really necessary, and that it is likely to give rise to avoidable inconvenience and misapprehension. The proviso as altered by us dispenses with the necessity of the Deputy Commissioner's sanction to *bonâ fide* alienations of classes (*a*) and (*b*).

Clause 9.—Exception has been taken to the provisions (clause 9) requiring civil courts to send copies of their decrees to Deputy Commissioners and permitting the Deputy Commissioner to intervene by applying to the appellate court to revise the decree or order of the original court so as to bring it into conformity with the provisions of the Act. We are of opinion that ample justification for these exceptional provisions is to be found in the circumstances with which we have to deal. The Act which is now under amendment was admittedly a piece of exceptional legislation designed to cure a great public evil. It is an undoubted fact that in certain parts of the province the objects of the Act have been defeated in a large number of cases by collusive proceedings in which the parties asked the civil court to give effect to a compromise which contravened the terms of the Act, and the civil court did give effect to such a compromise, because it either failed to detect or acquiesced in a violation of the law. It is, in our opinion, right that there should be a legal method of calling the attention of the superior courts to such violations of the law, and that the superior courts should have powers to remedy such illegalities apart from the wishes of the parties who, *ex hypothese*, have consented to the passing of decrees contravening the law. We may further point out that similar powers have already been taken in section 27 of Punjab Act II of 1905. It has been suggested that the powers and procedure proposed are possibly contrary to the provisions of existing Acts governing the powers and procedure of the civil courts, and we have accordingly introduced words to meet this objection.

The Bill was published in English and Urdu in the *Punjab Gazette* of the 25th October 1906.

The alterations necessary to give effect to our recommendations are indicated by italics in the Bill as reprinted. The amendments proposed do not in our opinion so alter the Bill as to require republication.

LAHORE :
The 11th February 1907.

T. GORDON WALKER.

J. M. DOUIE.

PARTAP SINGH.

Annexure to Report of Select Committee.

Bill No. 2 of 1906.

(AS AMENDED BY THE SELECT COMMITTEE.)

A

BILL

TO

Amend the Punjab Alienation of Land Act, 1900.

WHEREAS it is expedient to amend the Punjab Alienation of Land Act, 1900;

It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Punjab Alienation of Land Amendment Act, 190 ; and

(2) It shall come into force at once.

Partial repeal and amendment of section 2, Act XIII of 1900.

2. (*1*) Sub-section (*1*) of section 2 of the said Act and the provisos thereto are hereby repealed.

(*2*) To sub-section (*3*) of section 2 the following shall be added, namely:—

"(*f*) any right of occupancy:"

(*3*) For sub-section (*4*) of section 2 the following shall be substituted, namely:—

"(*4*) the expression 'permanent alienation' includes sales, exchanges, gifts, wills and grants of occupancy rights:"

Addition of new section to Act XIII of 1900.

3. After section 2 of the said Act the following is inserted, namely:—

Application of Act to sections 53 and 54, Act XVI, 1887.

"2-A. Notwithstanding anything contained in sections 53 and 54 of the Punjab Tenancy Act, 1887, when a landlord makes a claim to exercise the rights thereby conferred upon him the provisions of this Act shall apply thereto."

Partial repeal and amendment of section 3, Act XIII of 1900.

4. (*1*) Clause (*b*) and the proviso to section 3, sub-section (*1*), of the said Act are hereby repealed.

(*2*) For the proviso to section 3, sub-section (*2*), the following shall be substituted, namely:—

"Provided that—

(1) sanction may be given after the act of alienation is otherwise completed; and

(2) sanction *shall not be necessary in the case of*—

(*a*) a sale of a right of occupancy by a tenant to his landlord, or

(*b*) a gift *made in good faith* for a religious or charitable purpose, whether *inter vivos* or by will."

Repeal.

5. The words "published with the previous sanction of the Governor-General in Council" in section 4 of the said Act are hereby repealed.

Addition to section 6, Act XIII of 1900.

6. After sub-section (*2*) to section 6 of the said Act the following sub-section shall be inserted, namely:—

"(*3*) The Deputy Commissioner, if he accepts the application of a mortgagee under sub-section (*1*) (*b*), shall have power to eject the mortgagor, and as against the mortgagor to place the mortgagee in possession."

Addition to section 7, Act XIII of 1900.

7. After sub-section (*4*) to section 7 of the said Act, the following sub-section shall be inserted, namely:—

"(*5*) if a mortgagor who has applied to the Deputy Commissioner under sub-section (*3*) proves to the satisfaction of the Deputy Commissioner that he has paid the mortgage-debt or such proportion of the mortgage-debt as the Deputy Commissioner has determined to be equitable, or deposits with the Deputy Commissioner the amount of such mortgage-debt or of such proportion thereof, the redemption of the land shall be deemed to have taken place, and the Deputy Commissioner shall have power to eject the mortgagee, if in possession, and as against the mortgagee to place the mortgagor in possession."

Addition to section 9, Act XIII of 1900.

8. After sub-section (*3*) to section 9 of the said Act the following sub-section shall be inserted, namely:—

"(*4*) When a mortgagee put to his election under sub-section (*2*) agrees to accept in lieu of his mortgage a mortgage in form (*a*) or in form (*b*) as permitted by section 6 for

the period and for the sum of money considered by the Deputy Commissioner to be reasonable, and the mortgagor cannot be found, or fails to appear when duly served with notice to do so, or refuses or neglects to execute such mortgage, the Deputy Commissioner shall have authority to execute such mortgage on such terms as to costs as he may fix, and the mortgage so executed shall have effect as if it had been executed by the mortgagor. The Deputy Commissioner may for any reason which he deems sufficient set aside any *ex-parte* proceedings taken under this sub-section."

Addition of sections after section 21, Act XIII of 1900.

9. After section 21 of the said Act the following sections shall be added, namely :—

Civil Court to send copy of decree or order to Deputy Commissioner.

"21-A. (*1*) *Notwithstanding anything contained in the Code of Civil Procedure or, in any other Act for the time being in force* every Civil Court which passes a decree or order involving (*1*) the permanent alienation of his land by a member of an agricultural tribe, or (*2*) the mortgage by a member of an agricultural tribe of his land when the mortgagee is not a member of the same tribe or of a tribe in the same group, shall send to the Deputy Commissioner a copy of such decree or order.

Action to be taken by Deputy Commissioner when decree or order passed contrary to Act.

(*2*) When it appears to the Deputy Commissioner that any Civil Court has, either before or after the date when this section comes into operation, passed a decree or order contrary to any of the provisions of this Act, the Deputy Commissioner may apply for the revision of such decree or order to the Court, if any, to which an appeal would lie from such decree or order or in which an appeal could have been instituted at the time when the decree or order was passed, or in any other case to the Chief Court. And when the Court finds that such decree or order is contrary to any of the provisions of this Act it shall alter it so as to make it consistent with this Act. Such application shall be made within two months of the date upon which the Deputy Commissioner is informed of such decree or order.

"(*3*) When any such appellate Court passes an order rejecting such application the Deputy Commissioner may, within two months after the date upon which he is informed of such order, apply to the Chief Court for revision thereof.

"(*4*) Every Civil Court which passes an order on any application made under this section shall forthwith send a copy thereof to the Deputy Commissioner.

"(*5*) No stamp shall be required upon such applications, and the provisions of the Code of Civil Procedure as regards appeals shall apply so far as may be to the procedure of the Court on receipt of such application.

"Provided that no appearance by or on behalf of the Deputy Commissioner shall be deemed necessary for the disposal of the application."

C. BEVAN PETMAN,

Acting Secy., Leg. Council, Punjab.

PUNJAB GOVERNMENT.

LEGISLATIVE DEPARTMENT.

Report of the Select Committee on the Bill to make better provision for the colonization and administration of Government lands in the Punjab.

THE following Report of the Select Committee on the Bill to make better provision for the Colonization and Administration of Government lands in the Punjab was presented to the Council of the Lieutenant-Governor of the Punjab for the purpose of making Laws and Regulations on the 21st February 1907 :—

1. We, the undersigned members of the Select Committee appointed to consider the Bill to make better provision for the colonization and administration of Government lands in the Punjab, have the honour to submit this our report.

2. We have corrected an error in clause 12 which crept into the later drafts of the Bill by substituting "officer" for "officers."

In the same clause we have struck out the words—

> "or shall have withheld information which he knew to be necessary for the determination of such qualifications."

We consider that it is enough to provide for the case of the giving of false information. There is no difficulty in deciding beforehand on what points information is required, and in letting would-be grantees know what these points are.

3. In the proviso to clause 14 we have substituted for the indefinite word "claim" the following :—

> "by written application to the Collector require,"

adopting the language used in section 18 (1) of Act I of 1904.

4. We consider that clause 15 should be divided into two clauses,—the first exempting the rights and interests of Government tenants from attachment, and the second dealing with the transfer of such rights to third parties. The remaining clauses of the Bill will have to be renumbered

Revised clause 15 will be as follows :—

> "None of the rights or interests vested in a tenant from Government of land to which this Act applies shall be attached or sold in execution of a decree or order of any court or in any insolvency proceedings."

It seems to us doubtful whether section 8 of Act III of 1893 or clause 15 of the Bill which will take its place protects from attachment or sale in execution a large number of grants covering an area of about 300,000 acres made on the Rakh and Mián Ali Branches of the Chenab Canal before February 1893, when Act III of 1893 came into force. It is true that by Punjab Government notification No. 99, dated 12th August 1896, the provisions of Act III of 1893 were made applicable to these lands, but it is doubtful whether the rights or interests vested in a tenant before February 1893 can be said in the words of clause 15 to be "the rights or interests vested in a tenant by or under Act III of 1803 or this Act." The words we have now substituted read with clause 4 of the Bill will, we believe, effect the object, namely, the protection from attachment of all land held by Government tenants on the Chenab Canal.

5. The remainder of clause 15 with the modifications which we propose will be embodied in a new clause 16, which will be as follows :—

"None of the rights or interests vested in a tenant by or under Act III of 1893 or this Act shall, without the consent in writing of the Financial Commissioner or of such officers as he may by written order empower in this behalf, be transferred or charged by any sale, exchange, gift, will, mortgage, or other private contract other than a sub-lease for not more than two years. Any such transfer or charge made without such consent in writing shall be void, and if, (after the commencement of this Act), the transferee has obtained possession, he shall be ejected under the orders of the Collector ;

"Provided that in the case of any tenancy existing at the commencement of this Act this section shall not operate to create any restriction on the power of subletting not enacted by section 8 of Act III of 1893 or embodied in the statement of conditions applicable to such tenancy."

We have made the period for which a sub-lease may be granted two years instead of one. So short a period as one year does not appear to us appropriate to the circumstances of large grants on which, as in the case of the Lower Jhelum Canal, the lessees may only be allowed to acquire rights of occupancy, or indeed to large grants of any sort in which the grantee remains a tenant for some years before he can acquire ownership. Such grantees do not till their own lands, and it may well be convenient to them to be able to give tenants, and especially clearing tenants, the security of a lease for two years. It may be noted that an occupancy tenant holding under Act XVI of 1887 can sublet for seven years. In the case of grants on the Lower Jhelum Canal generally and of peasant grants on the Lower Chenab Canal made after July 1902 the grantee is bound not to sublet his land for more than one year. The extent of the power of subletting possessed by grantees on the Lower Chenab Canal who obtained their allotments before July 1902 is not perfectly clear. It depends on the interpretation to be put on section 8 of Act III of 1893 or on a clause in some of the statements of conditions forbidding transfers. By the proviso which we have added to the clause we secure to such grantees whatever rights of subletting they legally possess at present.

6. In clause 16 (now 17) we have made provision for camels as well as mares, to meet the case of camel-breeding grants.

7. In clause 17 (now 18) we have struck out the words "or owner." It is not clear why these words were inserted, and the matter is not explained in any of the Statements of Objects and Reasons. There seems to be no reason to limit the succession to heirs of the body of the original grantees, in the case of persons who have purchased rights of ownership.

8. In clause 18 (3), now numbered 19 (3), we have substituted for "land left" the words "land owned." This expresses more exactly the intention of the provision.

9 In clause 19 (now 20) we have inserted a sub-clause, numbered (2), to meet the case of a person acquiring rights of ownership by purchase or otherwise from an owner entitled to make such an alienation. The transferee may be bound to reside, and we think the Collector should be required to give him a site for a house, should such be available.

Sub-clause (2) becomes sub-clause (3), and a small consequential amendment has been made in it.

10. We have divided clause 20 (now 21) into two sub-clauses, and added a third. We understand that it was the intention of clause 20 to give the Collector a right of summary ejectment in the circumstances stated, and to make this plain we have amended sub-clause (2), adopting the language used in clause 23 (now 24).

Sub-clause (3) has been added to meet the case of an owner alienating part of his grant. If he does so, it is not unreasonable that he should be made to surrender a proportionate part of the Government land given to him free of charge as a building site in consideration of the possession of the grant.

11. To clause 22 (now 23) we have added after "building" the words "for human habitation" It has been represented that good tillage is promoted if a grantee is allowed to have cattle sheds on the land included in his grant, and that it is irksome to require him to obtain permission in such cases.

12. We have divided clause 23 (now 24) into sub-clauses. In sub-clause (3) we have substituted for the words "any person" the words "a tenant." In the case of tenants who have acquired ownership the provision in clause 26 (now 27) making sums due to Government recoverable as if they were arrears of land revenue is sufficient for the enforcement of payment. But several of the processes by which land revenue is recoverable under the provisions of the Land Revenue Act are not applicable to land of which the Government is owner and the grantee is occupancy tenant. In sub-clause 3 we have substituted "thirty" for "fifteen." We do not think a tenant need be made liable to summary ejectment unless he fails to pay any charge within one month of the date on which it falls due.

In the provision as to penalty embodied in this clause the word "square" occurs. This word has in existing colonies a well-recognized meaning, and the area occupied by a square is about 28 acres. In the survey of the area to be commanded by the Upper Chenab Canal rectangles containing 25 acres are being substituted for squares, and these will be divided into one-acre fields. It seems desirable to limit the amount of the fine with reference to the number of acres included in the land occupied. We have therefore substituted for the words "one hundred rupees for each square or part of a square" the following "four rupees for each acre or part of an acre."

It is obvious that these words are more favourable to the offender or defaulter than those in the clause as originally drafted.

13. In clause 24 (now 25) we have reduced the maximum penalty to imprisonment for a term which may extend to three months or "fine not exceeding two hundred rupees" or "both." We consider this penalty sufficiently deterrent even in the case of the more serious offences mentioned in the clause, especially as further punishment can be awarded under clause 25 (now 26) in the case of illicit cultivation of Government land.

14. In clause 25 (*a*) [now 26 (*a*] we have added after "rules made thereunder" the words "or, if the crops have been cut, recover the value thereof from the offender." The profits of illicit cultivation may be great, and there is no reason why the offender should be allowed to retain them simply because he has succeeded in reaping the crops. The drafting of the clause has been revised so as to make the words "in addition to or in lieu of ordering the prosecution of an offender" applicable to both its sub-clauses.

15. In clause 27 (1) (*a*) [now 28 (1) (*a*)] we have inserted after "limited to" the words "the eldest son of deceased or to," to bring this clause into conformity with clause 18 (2) [now 19 (2)], where both primogeniture and the succession of a selected heir or heirs are mentioned.

16. We have amended the proviso to clause 27 (1) [now 28 (1)] in order to show that the limitation of the number of trees, the planting of which may be required, does not extend to trees to be planted in village homesteads and towns.

17. To clause 33 (2) [now 34 (2)] we have added a proviso, whose object is to prevent a tenant who has not signed the register from being bound by conditions embodied in a statement which had not been issued at the time when he got his grant. The conditions have been amended from time to time, and it seems possible that the statement prefixed to a register or to a record-of-rights (see clause 6) may contain conditions at variance in some points with those in force when some of the grants entered in such register or record-of-rights were made.

18. The Bill was published in English and Urdu in the *Punjab Gazette* of the 25th October 1906. The alterations necessary to give effect to our recommendations are indicated by italics in the Bill as reprinted. The amendments proposed do not in our opinion so alter the Bill as to require re-publication.

19. The Hon'ble Malik UMAR HAYAT KHAN reserves his rights to propose to amend clause 8 and to further amend clause 27 (now 28).

J. M. DOUIE.

Dated 13th February 1907.

UMAR HAYAT.

Annexure to Report of Select Committee.

Bill No 3 of 1906.

(AS AMENDED BY THE SELECT COMMITTEE.)

A

BILL

TO

Make better provision for the Colonization and Administration of Government lands in the Punjab.

WHEREAS it is expedient to make better provision for the colonization and administration of Government lands in the Punjab ;

It is hereby enacted as follows :—

Title and local extent.

1. (*1*) This Act may be called the Colonization of Government Lands (Punjab) Act, 190 .

(*2*) It extends to the Punjab.

India Act III of 1893. Repeal.

2 The Government Tenants (Punjab) Act, 1893, is hereby repealed.

Definitions.

3. In this Act unless there is something repugnant in the subject or context—

India Act XVII of 1887.

"Collector" means the Collector of the district as described in the Punjab Land Revenue Act, 1887, and includes (1) any officer appointed by the Local Government to perform all or any of the functions and exercise all or any of the powers of the Collector under this Act, and (2) any Colonization Officer or Assistant Colonization Officer appointed as such before the commencement of this Act, whether or no such officer was by notification appointed to perform all or any of the functions of a Deputy Commissioner under the Act hereby repealed.

"Commissioner" includes any officer appointed by the Local Government to perform all or any of the functions and exercise all or any of the powers of a Commissioner under this Act.

India Act III of 1893.

"Colony" means any area to which this Act may be applied by order of the Local Government and, unless the Local Government otherwise directs, any area to which the Government Tenants (Punjab) Act, 1893, has been applied.

"Prescribed" means sanctioned by the Local Government under this Act or under the Act hereby repealed.

"Tenant" means any person holding land in a colony as a tenant in accordance with the provisions of this Act and the rules and conditions prescribed thereunder and includes the predecessors and successors in interest of a tenant.

Application of the Act.

4. The Local Government may, by notification in the official Gazette, apply the provisions of this Act to any land which is the property of the Government, and unless the Local Government otherwise directs, they shall be deemed to apply to any land to which the provisions of the Government Tenants (Punjab) Act, 1893, have been applied. India Act III of 1893.

Issue of statements of conditions.

5. (*1*) The Local Government may issue statements of the conditions on which it is willing to grant lands in a colony to persons desirous of becoming tenants or of acquiring a right of ownership in the same.

(*2*) Such statements may provide among other things for the acquisition by the tenant on fulfilment of certain conditions of a right of occupancy or of a right of ownership whether by purchase or otherwise.

(*3*) A right of occupancy or a right of ownership acquired by a tenant shall be subject to all limitations and obligations set forth in the statement of conditions applicable thereto issued under the provisions of this section.

(*4*) Nothing in this section shall be interpreted as restricting the power of the Local Government, without the issue of any statement of conditions under sub-section (*1*), to grant land in a colony to any person on such conditions as it thinks fit.

Construction of entries in registers maintained under Act III of 1893.

6. In any statement of conditions prescribed before the commencement of this Act any reference to a register prescribed under the Act hereby repealed shall be construed as nearly as may be as though it were a reference to an entry in the record-of-rights or in the annual record.

Powers of Collector to allot land.

7. The Collector may, subject to any general or special instructions which he may receive from the Financial Commissioner, allot land to any person, and may by written order declare which of the statements of conditions shall be applicable to the case, and may permit such person to take possession of the land allotted to him and the grant shall thereupon be held subject to the conditions declared applicable thereto. No such

person shall be deemed to be a tenant or to have any right or title in the land allotted to him until such a written order has been passed and he has taken possession of the land with the permission of the Collector.

Position of tenants holding hitherto under Act III of 1893.

8. Any person who before the commencement of this Act was a tenant from Government of land to which the Government Tenants (Punjab) Act, 1893, applied shall, notwithstanding any previous agreement or anything contained in the Punjab Tenancy Act, 1887, or any other enactment now in force, be deemed to have accepted and to hold the lands of which he was a tenant in accordance with the conditions originally made applicable to his tenancy as supplemented to the extent hereinafter expressly provided by this Act.

India Act III of 1893.
India Act XVI of 1887.

Issue of statements of conditions for auction sales.

9. The Collector may, with the previous sanction of the Local Government, issue a statement of the conditions on which Government is willing to sell land by auction in a colony.

Auction purchaser to be a tenant pending payment in full of purchase money.

10. An auction purchaser of land who has been placed in possession of the land by order of the Collector shall be deemed to be a tenant of such land until the full amount of the purchase money with any interest due thereon has been paid, and the other conditions set forth in the statement issued under section 9 have been fulfilled.

Right of ownership to be subject to limitations.

11. A right of ownership in land acquired in the manner described in section 10 shall be subject to all the limitations and obligations set forth in the statement of conditions issued under the provisions of section 9.

False information by a tenant.

12. If any person who after the commencement of this Act has been put in possession of land in a colony as a tenant shall have given false information to any *officer* of Government as to his qualifications, or shall have failed to disclose the fact that he has been ordered under section 118 of the Code of Criminal Procedure to execute a bond to be of good behaviour, or sentenced to a term of imprisonment for one year or upwards, he shall be deemed to have committed a breach of the conditions of his tenancy.

India Act V of 1898.

Provided that this section shall not apply to persons who have been in possession of a tenancy for more than three years or to any person who has acquired a right of ownership.

Exchanges.

13. Subject to any orders that he may receive from the Financial Commissioner the Collector may allow any tenant or owner to exchange the whole or any part of his tenancy or tenure for other land in the colony, and the land so taken in exchange shall, in the absence of any special condition to the contrary recorded in writing by the Collector, be deemed to be held on the same conditions and subject to the same obligations as the surrendered land was held.

Position of tenants of Government in a tract to which the Act is extended.

14. If at the time of the issue of a notification under section 4 any person is in possession of Government land in any part of the area specified in the said notification under a lease from Government granted otherwise than is provided in Act III of 1893 or in this Act, the Collector may at any time require him to surrender such land, and to accept such compensation as he may award—

(*a*) for the profits that might have accrued to him as such tenant during the remaining term of the lease; and

(*b*) for all improvements effected by him before the issue of the order directing him to surrender the lease,

together with a sum of fifteen per centum on the amount awarded.

Such compensation shall be paid in money, or, with the consent of the tenant, in the shape of a tenancy of other land. Every tenancy given in a colony in exchange for the surrender of the lease shall be under the provisions of such of the statements of conditions as the Collector may determine, and shall not be of less value than the amount of the compensation due:

Provided that if the tenant is not satisfied with the compensation awarded as above in money or in land he may within six weeks of being informed of the order of the Collector awarding the money or the land, *by written application to the Collector, require* that the land of which he is in possession shall instead of being acquired under this section be acquired under the provisions of the Land Acquisition Act. India Act I of 1894.

Rights of tenant not to be attached or sold.

15. *None of* the rights or interests vested in a tenant *from Government of land to which this Act applies shall* be attached or sold in execution of a decree or order of any Court or in any insolvency proceedings.

Transfers of rights to be void.

16. *None of the rights or interests vested in a tenant by or under Act III of 1893 or this Act shall,* without the consent in writing of the Financial Commissioner, or of such officer as he may by written order empower in this behalf, be transferred or charged by any sale, exchange, gift, will, mortgage or other private contract, other than a sub-lease for not more than *two* years. Any such transfer or charge made without such consent in writing

shall be void and if (after the commencement of this Act) the transferee has obtained possession he shall be ejected under the orders of the Collector:

Provided that in the case of any tenancy existing at the commencement of the Act this section shall not operate to create any restriction on the power of subletting not enacted by section 8 of Act III of 1893 or embodied in the statement of conditions applicable to such tenancy.

Mares, camels or their progeny maintained under prescribed conditions not to be attached or sold.

17. No mare *or camel* maintained in accordance with any prescribed statement of conditions and no progeny of any mare *or camel* so maintained, if less than three years old, shall be liable to attachment or sale in execution of any decree.

Meaning of term "heirs and legal representatives."

18. In all statements of conditions issued under section 5 of this Act the words "heirs" and "legal representatives" shall be held to mean exclusively the heirs of the body of a tenant and his widow if he dies without sons.

Succession to tenancies.

19. In the case of all allotments of land made after the commencement of this Act—

(*1*) When the tenant dies without acquiring occupancy right the Collector, if he considers that in the circumstances of the case such an order would be equitable, may direct that the land shall be resumed. The tenancy shall thereupon lapse to Government, and all rights conferred upon the tenant shall be extinguished.

(*2*) When the tenant dies after having acquired a right of occupancy and the conditions do not provide that the rule of primogeniture shall apply, or that the succession shall devolve on a selected heir or heirs, the tenancy shall devolve—

(*a*) on his male lineal descendants, if any, in the male line of descent, and

(*b*) failing such descendants, on his widow, if any, until she dies or remarries, or abandons the land, or is ejected therefrom in accordance with the conditions of the tenancy or any of them, and

(*c*) failing such descendants and widow, or if the deceased tenant left a widow, then when her interest terminates under clause (*b*) otherwise than by ejectment, on his male collateral relatives in the male line of descent from the common ancestor of the deceased tenant and those relatives.

Provided with respect to clause (*c*) that the common ancestor occupied the land.

(*3*) As among descendants and collateral relatives claiming under clause (*2*) of this section the tenancy shall, subject to the provisions of that clause, devolve as if it were lands *owned* by the deceased.

(*4*) If the deceased tenant shall leave no such persons as are mentioned in clause (*2*) of this section on whom the tenancy may devolve under that clause, the tenancy shall lapse to Government and all rights conferred upon the tenant shall be extinguished.

Residential sites.

20. (*1*) The Collector shall allot sites for habitation to persons who have taken possession of land as tenants or owners with his permission.

(*2*) *Where an owner entitled to transfer his land effects a valid transfer of the whole or part thereof the Collector shall if any site is available allot a site for habitation to the transferee.*

(*3*) The land comprised in sites allotted under sub-sections (*1*) *or* (*2*) whether within or without the limits of any village, homestead or town, shall notwithstanding anything contained in the Indian Limitation Act, XV of 1877, remain the property of Government. India Act XV of 1877.

Sites to be occupied free during continuance of tenancy.

21. (*1*) Every person to whom an allotment has been made under section 19 shall have a right to occupy free of any charge for rent the site allotted to him so long as he is a tenant or owner of the land on account of which the site allotment was made.

(*2*) When he has ceased to be a tenant or owner of that land *the Collector may after giving him a reasonable time to remove and dispose of the materials of any building he may have erected thereon re-enter upon the site and resume possession thereof without payment of any compensation.*

(*3*) *When he has made a valid transfer of part of his land the Collector may resume a proportionate part of the site allotted him in consideration of the possession of the land. The procedure enacted in sub-section* (*2*) *shall apply to such cases.*

Allotments of sites to other people.

22. The Collector may grant sites for habitation or trade or other purposes in villages, homesteads or towns to persons other than those to whom allotments are made under section 19 on such terms as

to purchase or payment of ground rent or both and on such conditions as the Government may from time to time determine:

Provided that this section shall also apply to site allotments made to tenants and owners in excess of their reasonable requirements as agriculturists.

Erection of buildings outside limits of village homestead without permission forbidden.

23. No tenant or owner shall without the consent in writing of the Collector erect any building *for human habitation* upon any land lying outside the limits of a village homestead or town.

Power of re-entry and of fining in case of squatters or of breach of conditions by tenants or owners.

24. (*1*) When the Collector is satisfied that any person is in possession of land in a colony to which he has never had any right or title; or

(*2*) that a tenant or owner in possession of land has committed a breach of the conditions of his tenancy or tenure, or has otherwise forfeited his right as tenant or owner under any of the provisions of this Act or of the rules issued thereunder; or

(*3*) that *a tenant* has failed to pay any sum due to Government under this Act or under the conditions applicable to his tenancy or tenure within *thirty* days from the date of demand made in writing for the payment thereof;

the Collector may forthwith re-enter upon the land and resume possession of it on behalf of Government without payment of any compensation whatsoever, provided that in lieu of re-entering upon the lands the Collector may impose on the tenant or owner or other person a penalty not exceeding *four rupees for each acre or part of an acre* included in his tenancy or tenure or possession.

Offences.

25. (*1*) Any person who, within the limits of a colony,—

(*a*) clears or breaks up for cultivation or cultivates any land which is owned by or is in the possession of the Government or has been set apart for the common purposes of a town or village community or section of the same, or for a road, canal or water-course,

(*b*) erects any building, wall, embankment or fence on any such land,

(*c*) makes an excavation or constructs a water channel in or on any such land,

(*d*) fells, girdles, lops, taps, or burns any tree standing on any such land, or strips off the bark or leaves from or otherwise damages the same,

(*e*) otherwise encroaches on any such land, or

(*f*) abets the commission of any of the above acts,

(*2*) Any tenant or owner who erects a building in contravention of the provisions of section 22

shall, if the land is owned by or is in the possession of the Government or has been set apart for the common purposes of a town or village community or section of the same or for a road, canal or water-course, be punished, on conviction by a Magistrate, with imprisonment for a term which may extend to *three* months or with fine not exceeding *two* hundred rupees, or with both.

Nothing in this section shall be deemed to prohibit any act done in accordance with the conditions of a tenancy or by permission of the Collector or of any officer of Government duly authorised in this behalf.

Alternative punishments for offences.

26. When the Collector is satisfied that an act punishable under section 24 has been committed, he may, in addition to or in lieu of ordering the prosecution of the offender—

(*a*) in the case of an offence under sub-section (*1*) (*a*) of that section confiscate the crops growing on any land cultivated in contravention of this Act or of the rules made thereunder *or, if the crops have been cut, recover the value thereof from the offender*, and

(*b*) in the case of an offence under sub-section (*1*) (*b*) (*c*) (*e*) or sub-section (*2*) of section 24 cause the building or other encroachment to be demolished or removed or the excavation or channel to be filled up, and levy the costs of so doing from the person responsible for such act.

Sums due under the Act to be recoverable as arrears of land revenue.

27. All sums due to Government under the provisions of this Act or of the rules and conditions issued thereunder shall be recoverable as if they were arrears of land revenue.

Powers to make rules and to attach penalties for breach thereof.

28. (*1*) The Local Government may make rules regarding—

(*a*) succession to tenures when such succession is limited to *the eldest son of the deceased or to* a selected heir or heirs,

(*b*) the allotment of land for building sites or other purposes within any

village homestead or town in the Colony, and for the realization of rent for such sites,

(*c*) the sanitation and general administration of village homesteads and towns,

(*d*) the planting of trees on the holdings of tenants and owners, and in village homesteads and towns,

(*e*) the grant of loans for the purchase of mares, camels, donkeys or mules, and

(*f*) generally to carry out the purposes of this Act.

Provided that, *except in the case of trees in village homesteads and towns*, the number of trees of which the planting is ordered by rules under clause (*d*) shall not exceed two for each acre.

(2) The Local Government may impose a penalty for a breach of any such rule (excepting rules under clause (*e*)) not exceeding 100 rupees or imprisonment for a period not exceeding one month.

Power to levy a cess for purposes of sanitation and general administration of village homesteads.

29. For the purposes of providing funds for sanitation and the general administration of any village homestead or town, not being a Municipality or notified area, the Government may impose a cess to be paid by the occupiers of sites and may make rules for the collection of such cess.

Applicability of Punjab Land Revenue Act.

India Acts XVII and XVI of 1887.

30. Subject to the provisions of this Act, the Punjab Land Revenue Act and Chapter VII of the Punjab Tenancy Act and the rules made thereunder shall, in so far as they are applicable, apply to all proceedings under this Act. But nothing in the Punjab Land Revenue Act, 1887, shall be so construed as to vary or invalidate any condition entered in any statement of conditions issued under section 5.

India Act XVII of 1887.

Amendment to section 136 (*1*) of the Punjab Land Revenue Act.

India Act XVII of 1887.

31. Section 136 (*1*) of the Punjab Land Revenue Act, XVII of 1887, shall be amended by inserting after the words "under section 49" the words "or any Revenue Officer in a colony."

Jurisdiction of Civil Courts barred as regards matters arising under the Act.

32. A Civil Court shall not have jurisdiction in any matter which the Collector is empowered by this Act to dispose of, and shall not take cognizance of the manner in which the Local Government or Collector or any other Revenue Officer exercises any power vested in it or in him by or under this Act.

Public servants indemnified for acts done under this Act.

33. No suit shall lie against any public servant for any thing done by him in good faith under this Act.

Legalisation of orders passed previous to the Act.

34. (*1*) Any act hitherto done or order passed by the Local Government or by an officer holding the post of Colonization Officer, Assistant Colonization Officer or Settlement Commissioner, or exercising the powers of an Assistant Collector or of a Revenue Officer of higher class within any area to which the Government Tenants (Punjab) Act, 1893, has been applied or to which this Act may hereafter be applied, which is not contrary to the provisions of this Act, shall be deemed to have been done or passed under this Act. India Act III of 1893.

(*2*) In particular and without prejudice to the generality of the foregoing sub-section no right of occupancy or right of ownership and no condition applicable thereto shall be invalidated by reason of—

(*i*) the right having been granted before the particulars regarding it have been entered in a prescribed register; or

(*ii*) the prescribed register not having been signed by the tenant; or

(*iii*) the prescribed statement of conditions having been affixed to the prescribed register instead of being prefixed thereto.

Provided that if the register has not been signed by the tenant the statement of conditions applicable to the tenancy shall be deemed to be that which was in force for tenancies of the same description at the time when the land was allotted.

Power to withdraw a colony from the operation of the Act.

35. The Local Government may at any time by notification in the official Gazette withdraw a colony or any part of a colony from the operation of all or any of the provisions of this Act.

S. M. ROBINSON,

Secretary, Legislative Council,

Punjab.

Punjab Government Press, Lahore—21-2-07—868.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, FEBRUARY 28, 1907.

PART V.

Proceedings of the Council of the Lieutenant-Governor of the Punjab, assembled for the purpose of making Laws and Regulations.

PUNJAB GOVERNMENT.

LEGISLATIVE DEPARTMENT.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of the Punjab, assembled for the purpose of making Laws and Regulations under the provisions of the Indian Councils Act, 1861 *and* 1892 (24 *and* 25 *Vict., Cap.* 67, *and* 55 *and* 56 *Vict., Cap.* 14).

THE Council met at the Council Chamber, Government House, Lahore, on Thursday, the 21st February 1907, at 11 A.M.

PRESENT:

His Honour Sir CHARLES MONTGOMERY RIVAZ, K C.S.I., Lieutenant-Governor of the Punjab, *presiding*.

The Hon'ble Mr. T. GORDON WALKER, C.S.I., I.C.S.

The Hon'ble Mr. J. McC. DOUIE, C.S.I., I.C.S.

The Hon'ble Sir DAVID MASSON, C.I.E., KT.

The Hon'ble Mr. STEPHEN FINNEY, C.I.E.

The Hon'ble Thákur MAHAN CHAND.

The Hon'ble Malik UMAR HAYAT KHAN, TIWANA, C.I.E.

PUNJAB MOTOR-VEHICLES BILL.

The Hon'ble MR. GORDON WALKER presented the report of the Select Committee on the Bill to regulate the use of motor-vehicles in the Punjab. He said:—"This Bill was introduced by the Hon'ble SIR LEWIS TUPPER at a meeting of the Council held on 23rd December 1905. In introducing it the Hon'ble Member explained the necessity for legislating to regulate the use of

motor-vehicles in the Punjab, a necessity which will no doubt be fully recognized. He further explained that the chief objects of the Bill were to provide for the grant of licenses to drive motor-vehicles, to penalise driving without a license and reckless driving, and to impose on the driver the duty to stop in case of accident to persons not in the car, while ample powers were to be conferred on the Local Government to frame rules as to the rate of speed and other matters. The Bill was then referred to a Select Committee consisting of the Hon'ble Mover, the Hon'ble SIR DAVID MASSON, and the Hon'ble MR. FINNEY. Opinions were invited and considered by the Committee; but the submission of a report was deferred pending the publication of the report of the Royal Commission on Motor Cars appointed in England in 1905. The Bill was again before the Council at a meeting held on 25th October 1906, when I was appointed to take the place of the Hon'ble SIR LEWIS TUPPER on the Select Committee.

"The Bill as originally drafted followed in all material respects the Bombay Motor-Vehicles Act (Bombay Act II of 1904) and the English Act (3 Ed. VII, Cap. 36), which were the only measures then available for guidance. The Select Committee has now had the advantage of studying the report of the Royal Commission, while quite recently an Act has been passed by the Madras Legislative Council. As observed by the Hon'ble Member in charge of the Madras Bill, 'we are still more or less in an experimental stage as regards legislation on motors,' and for this reason it is advisable to have the provisions of the Act of as simple a nature as possible and to confine them to matters which must be provided for by law, while other and subsidiary matters are left to be dealt with by Government in rules, which can by an easy process be framed or altered from time to time according to the experience gained.

"*Clause* 2 of the Bill prohibits driving without a license and provides for the granting of licenses, while clauses 3—5 are the necessary supplements.

"*Clause* 6 makes reckless or negligent driving or driving at a dangerous speed punishable. The question of *speed* is dealt with in this clause on general lines; but it will be observed that under clause 10 (2) the Local Government will have the power, if so advised, to fix a speed limit. In these circumstances it is perhaps unnecessary for me to say anything on the vexed question of the speed limit. I may observe, however, that in omitting from the Bill the provision of a fixed speed limit we have followed the conclusion suggested by Royal Commission's report. One point seems to have been clearly brought out by the Commission's inquiry, *viz.*, that speed is not in itself any test of danger, that slow driving may in certain circumstances be much more unsafe than fast driving is in others, and in particular that the fixing of a speed limit is in a way an encouragement to drive up to a pace which would in certain circumtances be highly dangerous, and finally that it is against *dangerous* driving that provision has to be made. But, as already observed, it has been left to the Local Government to fix a speed limit if so advised, and I need not say more on the point.

"*Clause* 7 of the Bill enforces the obligation of the person in charge of a motor to stop in case of an accident caused by the presence of a motor-vehicle on the road.

"These are the only provisions of the Bill as it stands to which it seems necessary that I should draw special attention. But there is one point connected with clause 2 (2) to which I may usefully refer. The clause in the Bill as introduced in Council stood in this respect as it now does. In the earlier stages of the Select Committee's deliberations it was proposed to insert a condition that the applicant for a license should *satisfy the District Magistrate of his ability to drive a motor*. It will be observed that neither in the United Kingdom nor

in the Bom bay and Madras Acts is proof of ability to drive required. In view of this fact and of the opinion expressed in the Royal Commission's report the Committee have finally come to the decision that it would not be reasonable to insist on an ability test in the Punjab. Indeed it might lead to absurd results if we did so. As I am referring to this question I may here quote the following passages from the Royal Commission's report:—

"*Paragraph* 92.—· · · 'The principle hitherto laid down is that a license is merely an annual statutory permission to drive, subject to the observance of the law, and is not in any way a test of qualification.'

"*Paragraph* 93.—'It has been proposed to us that a license, instead of being merely a forfeitable permission to drive, should be issued only on conditions involving a test of competence to drive; in other words that a system of examination should be instituted· · ·'

"*Paragraph* 94—· · 'If licenses were made a test of competence to drive, it would not only involve the establishment of a new system of examination with officers to administer it, but it would tend to imply a responsibility on the part of the Government or of the authority administering the test for the driver's capability as such, which in our opinion would be highly undesirable. In certain of the foreign countries which have adopted this system this result has been experienced, and the examination has also been found, in fact, to be either perfunctory or ineffective, so much so that in Belgium and the Netherlands it has recently been abolished. We are also of the decided opinion from what we have heard that accidents with motor cars are rarely traceable to incompetence to drive, while they are not infrequently associated with undue confidence or occasional recklessness on the part of skilled drivers.'

"I have made these rather full quotations because they are of interest."

The Hon'ble Mr. GORDON WALKER then moved that the report be taken into consideration.

The motion was put and agreed to.

The Hon'ble THAKUR MAHAN CHAND moved the following amendments:—

(1) That in sub-clause 2 of clause 2 after the words "two rupees" the words "on being satisfied with the fitness of the driver" be inserted.

(2) That in the same sub-clause for the figures "18" the figures "21" be substituted.

He said:—"It does not appear expedient to grant a license for driving a motor-vehicle to any person unless there is satisfaction that the applicant is a competent motor driver and the restriction of 18 years age is also insufficient. For the driving of such a dangerous and harmful conveyance the license should not be granted to any person under the age of 21 years."

The Hon'ble THAKUR MAHAN CHAND was not seconded, and the Hon'ble MR. GORDON WALKER opposed and said:—"I am unable to accept the *twin* amendment of the Hon'ble Member. It raises two questions concerning (1) age of the person to be licensed and (2) his ability to drive. Dealing first with (1), which is the Hon'ble Member's second amendment, I do not think that the Hon'ble Member has quite realized what the consequences of his amendment would be. The limit of age in the United Kingdom is 17, and so far as we know in all the other provinces of India except the Punjab it is or will be fixed at 18. That is the limit fixed by the Bombay and Madras Acts. Has the Hon'ble Member such a poor opinion of his fellow Punjabis that he would wish to place them at a disadvantage in this respect? Does he think that in the Punjab we are in such a backward state of development that it is necessary to fix a higher age limit here than elsewhere in India?

If that is the Hon'ble Member's view I must express my emphatic dissent from it. But I do not think that the Hon'ble Member really means us to gather from his remarks that in the Punjab a young man matures in the matter of ability to drive a motor three years later than elsewhere in India. The age limit being 18 in other provinces nothing that we do here will be effective to raise that limit, while if the Hon'ble Member's amendment were accepted, it would probably have no other result than that of compelling the young Punjabi to go into another province for his license.

"As to the second question I have in anticipation dealt with the matter of this amendment, and I scarcely think it is necessary to repeat what I have already said on the subject. The Hon'ble Member will observe that the whole weight of authoritative opinion in the United Kingdom and in India is against him in this matter. I hope he will see that the proposal to insist on proof of ability to drive as a condition for the grant of a license is open to serious objection. The Royal Commission has after full consideration come to the conclusion that it would be a mistake to make the license anything more than 'a statutory (or a forfeitable) permission to drive,' and that is the conclusion accepted and given effect to by the Legislatures of Bombay and Madras."

The amendments were then put to the Council and declared lost

The Hon'ble MR. GORDON WALKER moved that the Bill as amended by the Select Committee be passed.

The motion was put and agreed to.

PUNJAB ALIENATION OF LAND ACT AMENDMENT BILL.

THE Hon'ble MR. GORDON WALKER presented the report of the Select Committee on the Bill to amend the Punjab Alienation of Land Act, 1900. He said:—"This Bill was introduced at a meeting of the Council held on 25th October 1906 and was referred to a Select Committee. It was at the same time published and circulated for the purpose of eliciting opinions.

"In asking leave to introduce the Bill I explained that its main object was the abolition of the *statutory agriculturist*, while the opportunity had also been taken to provide for certain minor alterations in the Act which experience of its working had shown to be required.

"Dealing with the former of these matters, which is the main feature of the Bill, I explained in detail and at considerable length the reasons which had forced Government to the conclusion that, in the formation of this artificial class, and the extension to them of privileges in respect of the acquisition of land, a mistake had been made which it was necessary to remedy. I will not trouble the Council with a repetition of the arguments advanced for the purpose of establishing the conclusion then stated, that 'the introduction of the agriculturist into the legislation of 1900 was unfortunate, and that the artificial provisions then inserted may now be abrogated as being *unnecessary*, *inconvenient* and *mischievous*.'

"I am not here concerned to defend the principles on which the legislation of 1900 was founded. It is fully recognized that there has throughout been a not inconsiderable body of public opinion which is opposed to the Act. That must be accepted as a necessary incident where class legislation such as we are here concerned with is undertaken; but the question involved in the present Bill is a much narrower and more limited one. There are members and even sections of the community who belong neither to any of the tribes notified as agricultural, nor to the class whose profession is money-lending, but who desire to acquire land. These may or may not already be owners of land. As a body they are excluded by the Act of 1900 from the privilege of being able to acquire land from members of the agricultural class without sanction, and the present Bill does not concern

them *as a body*. The exception which the Act of 1900 created, and which it is now proposed to abolish, was confined to the limited class of those who fulfilled *all three* conditions of (*firstly*) already owning land, (*secondly*) coming within the narrow terms of the definition of 'agriculturist' given in the Act, and (*thirdly*) holding land as agriculturists *in the village* where the land to be alienated is situated. I have given this explanation because there would appear to be a good deal of misapprehension as to the scope of the present Bill, and some confusion between what it is proposed to provide for in the Bill and the general effects of the Act of 1900. Except in so far as it bears directly on the interests of the limited class described above we are not now concerned with the policy of the Act of 1900.

"It seems only necessary to add that so far as this, the main feature of the Bill is concerned, there is practical unanimity of opinion amongst the judicial and executive authorities consulted in favour of the abolition of the statutory agriculturist.

"In my remarks at the time of introducing the Bill I grouped the other and minor alterations in the Act of 1900 which the Bill was intended to effect under six heads. It will be observed that the Select Committee have introduced a somewhat important change with reference to (*a*) sales of a right of occupancy by a tenant to his landlord, and (*b*) gifts for religious or charitable purposes. The Bill as introduced provided that for all transactions of these descriptions the sanction of the Deputy Commissioner should be necessary; but that sanction should be given as a matter of course where the Deputy Commissioner was satisfied that the transactions were in fact what they professed to be. The reasons for the change introduced by the Select Committee are fully stated in their report; and I do not propose to trouble the Council with a repetition of them. I may note that the definition of 'permanent alienation' in the Act excludes gifts for a religious or charitable purpose. The Select Committee have thought it preferable not to revert to that method of dealing with the matter, partly because the proposed treatment is preferable as a matter of drafting, and partly in order to make it more clear that the exemption from the necessity for sanction extends only to alienations of this nature made *bonâ fide* and not to sales in disguise.

"As regards clauses 6 and 7 of the Bill I may perhaps be allowed to quote the opinion of the Hon'ble Chief Judge that 'they are the corollaries of the sections to which they refer,' and that there is 'no objection to the corollaries, the substantive sections being passed law.' The object of these clauses is to complete the sections by supplying an omission due to an oversight in framing the Act. Clause 6 is intended to benefit the mortgagee; and 7, the mortgagor. The powers which they give to the Deputy Commissioner are obviously necessary; and it is only the result of an oversight that they were not given in the Act.

"Clause 9 of the Bill has been subjected to a good deal of criticism, which is met in the report of the Select Committee. In view of the weight of authority behind that criticism it seems advisable that I should supplement in some detail the reasons given by the Committee for the retention of the clause.

"In introducing the Bill I referred to the circumstances which were considered sufficient to justify the intervention of the Deputy Commissioner even when he might be acting in apparent opposition to the wishes of those who were parties to the transaction. I have had brought to my notice and have had to go into many cases of the class for which it is proposed to provide. A member of the agricultural class who is deeply involved with his money-lender will often *under pressure* agree to any terms that the latter may dictate. He is not really a free agent in the transaction. Owing to the pressure to which he is subjected he will agree before the civil court to a compromise involving the permanent alienation of his land, and the strength of the pressure and dread of the consequences are so great that he dare not himself apply to the

appellate court for relief. I have myself had to deal with a large number of cases in which a civil court has, without making the reference to the Deputy Commissioner required by the law, given effect by decree to a compromise embodying an agreement which admittedly contravened the provisions of the Act. In many of these cases the alienor (judgment-debtor) has subsequently petitioned the Deputy Commissioner to interfere on the ground that he never accepted the compromise, that he did not understand the terms, or that he was not acting voluntarily in accepting it. It is for cases of this class that we have to provide, and I have no hesitation in saying that the intervention of the Deputy Commissioner (who is the authority responsible for the proper administration of the Act) in the interests of the alienor is fully justified by the entirely exceptional circumstances.

"An original civil court which passes an illegal decree may under warning refrain from doing so again, but that does not help the person who has suffered by the decree. It may be strictly logical to say that a person who has acted so foolishly as the alienors in such cases have done must take the consequences. But, if the principles of the legislation of 1900 are right, a point on which I think few of those who have studied the problem with any sense of responsibility, or with a true appreciation of the issues at stake, entertain any doubts, there is surely ample justification for the executive intervening in cases where the provisions of the Act have been contravened by the civil courts, and with a view to preventing evasions due to the collusion of the parties or the neglect of the civil courts of original jurisdiction. Apart from this general purpose the immediate object of the intervention would be to protect the alienor and his successors in interest from the results of his folly or helplessness; and the form that the intervention takes is, I may remark, not of interference with the order of the civil court, but of application to a superior civil court to interfere.

"In conclusion I would desire to notice the special objections which have been raised to this provision on the grounds that it introduces an entirely new principle, that it is at variance with the ordinary methods of judicial inquiry in that it allows the intervention of a third party who has no interest in the litigation, and that it may place the court in the position of having itself to set up a case for one party. It is also objected that it is derogatory to the civil court to have to submit their decrees to the Deputy Commissioner for correction. These objections are advanced with authority and deserve careful consideration. With regard to the last I venture to think that it is perhaps a sufficient answer to repeat that the only power it is proposed to give the Deputy Commissioner is that of moving the appellate courts to correct decrees of courts of first instance. The necessity for keeping the Deputy Commissioner *informed* of all such decrees will scarcely be denied. As to the other objections mentioned I have already explained in detail the exceptional circumstances which have been held to justify the departure from the ordinary methods of judicial inquiry. It will be seen that, save in the matter of drafting, the clause differs from section 27 of the Punjab Pre-emption Act (II of 1905), as regards the power conferred on the Deputy Commissioner and the procedure, only in this respect that it permits the Deputy Commissioner to apply to the Chief Court for the revision of an appellate court's order rejecting his application. Except in this detail the principles and procedure are the same. I have looked through the whole literature relating to the passing of the Pre-emption Act; but can find in it no traces of any objection of principle having been taken to section 27 by the judicial authorities consulted. On the other hand I find that in his speech on the introduction of the Bill at a meeting of the Council held on 19th November 1904 the late MR. ALEX. ANDERSON made the following observations:—

'But to prevent mistakes relating to the Alienation of Land Act arising from the inadvertence of the Lower Courts or the collusion of the parties it has been considered necessary to insert in the Bill three precautionary provisions—

(*a*) the courts are required to enquire into and decide certain issues *of their own motion*, whether the facts involved therein be admitted or not:

and to dismiss the suit if the original sale was made in contravention of the Alienation Act, or if the pre-emptor's claim is barred under the provisions of the Pre-emption Act owing to his not being a member of an agricultural tribe, nor of the same tribe as the vendor, and therefore not entitled to claim pre-emption under clause 11;

(*b*) if the pre-emptor, though a member of an agricultural tribe, may not purchase without the sanction of the Deputy Commissioner, he will not be given possession of the land until such sanction has been granted; and

(*c*) the court is required to send to the Deputy Commissioner a copy of every decree granting pre-emption, and the Deputy Commissioner is authorised to apply to the appellate court for revision in any case when he considers the requirements of the Alienation Act have been contravened.

'These provisions will, it is believed, ensure strict compliance with the Alienation Act; while at the same time they avoid all references from the Civil to the Revenue Courts during the hearing of the case, and they will also prevent all conflicts as to jurisdiction.'

"That was the view with regard to the question of principle to which full prominence was given in 1904. It was accepted without demur alike by the Judicial and Revenue authorities and was given effect to in the Pre-emption Act."

The Hon'ble MR. GORDON WALKER moved that the report be taken into consideration.

The motion was put and agreed to.

The Hon'ble MR. GORDON WALKER moved that the Bill as amended by the Select Committee be passed.

The Hon'ble MALIK UMAR HAYAT KHAN said:—"I am emphatically of opinion that no Act has done or is calculated to do more good to the agricultural community of the Punjab than the Land Alienation Act. It was at the outset feared by a few that the Act would not work successfully and that it would end in nothing but the inconvenient contraction of zamindars' credit. But time has shown that these were imaginary fears only. The object of the Act was to avert the seriously large transfers of land from the classes who were hereditary owners to the money-lenders, and that object has been splendidly attained without contracting the zamindars' credit too much. The Act, however, omitted to provide for the shutting out of those who did not really belong to any agricultural class, but had their names in the record of rights of first regular settlement. A provision is now being made to remedy the defect and it is really imperative to remove the flaw to fully realise the object of the Act which is now I believe universally considered as a real boon to the zamindars. I am quite in accord with the Select Committee's report. Although I have been unavoidably away from the sitting of the Select Committee, yet I have been from the very start in favour of the Bill, and I would gladly give my opinion for the Bill to be passed as amended."

The Hon'ble THAKUR MAHAN CHAND said:—"I agree to all other amendments and additions made in the Punjab Land Alienation Act by the Bill as reported by the Select Committee, but as to the proposal of abolishing statutory agriculturists and repealing sub-section (1) of section 2 and clause (*b*) and the proviso to section 3, sub-section (1), I cannot agree with the view of my colleague the Hon'ble MR. WALKER that the statutory agriculturists were allowed the privilege of acquiring lands from the agricultural tribes within their own villages simply because there was 'fear that undue economic inconvenience might result from the exclusion *uno ictu* of the entire money-lending class.' On the contrary, I think the privilege was granted to the agriculturists for the reasons of their having a status somewhat equal to the members of an agricultural tribe. The right was given only to those who held agricultural land for some long periods.

"Supposing that the measure has been simply adopted for the benefit of agricultural tribes it is not reasonable why the interests and rights of the other communities should be overlooked. In the first place the Punjab Land Alienation Act with all its beneficial effects and success is still an interference with the sole proprietary rights of the zamindars. Secondly, it puts an undesirable restriction which is without a precedent on the rights of the people in general who are debarred from acquiring agricultural land if they desire to lead a life of a zamindar and invest their money in agricultural operations.

"From the speech of 25th October and from the Statement of Objects and Reasons made by my Hon'ble friend it is clear that the abolishing of the agriculturists is proposed mainly for the reasons of certain difficulties which were caused by the new law in preparing some of the Revenue Records. At the same time it is admitted that in the case of these agriculturists 'comparatively little use has been made of the permission to make permanent alienations to statutory agriculturists.' It is also mentioned that while the 'non-agricultural classes were excluded generally from the power of acquiring land belonging to the agricultural classes this exclusion was relaxed in the case of a small portion of the former' that is, non-agriculturists. Now from the above quotations it is evident that only small portion of the non agricultural classes were given the privilege of acquiring land from the members of agricultural tribes and that right was properly granted on the grounds that those who have been holding land in the same village since long years are entitled to the rights of acquiring it from their fellow villagers. At the same time it is proved that very few permanent alienations have been effected during the time in favour of these statutory agriculturists. All this shows that there has been no abuse of the privilege up to now in the course of the last six years. Therefore there is no likelihood of any mischievous results if agriculturists are allowed to be maintained in the Act. All men of the Non-agricultural classes cannot be deemed to be money-lenders and as regards the money-lenders themselves it is admitted that 'the village money-lender is not perhaps now so keen on pressing a loan on the reluctant zamindar.' Under these circumstances there appears no necessity at all to feel so much anxiety about the maintenance of statutory agriculturists. It will no doubt be rather hard for the members of a non-agricultural class who are somewhat in equal position to zamindars in the villages if they are deprived of the privilege which was so justly and reasonably granted to them at the time of passing the original Act."

The Hon'ble MR. GORDON WALKER said :—"I note with satisfaction that the Hon'ble THAKUR MAHAN CHAND agrees to all the amendments and additions which it is proposed to make except that for the abolition of the statutory agriculturist, and that he recognizes the 'beneficial effects and success' of the Act of 1900, although he qualifies his approval perhaps unintentionally by stating that it 'puts an undesirable restriction which is without precedent on the rights of the people in general, &c.'

"In stating as I did in my remarks on the introduction of the present Bill that the genesis of the statutory agriculturist was the result of the 'fear that undue economic inconvenience might result from the exclusion *uno ictu* of the entire money-lending class' I was not giving expression merely to my own *opinion*. At the time of the passing of the Act apprehensions were felt that such inconvenience might result, and it was mainly to meet this that recourse was had to the compromise. The question is as to what the reasons influencing those responsible for the measure of 1900 really were and not as to what the opinion of the Hon'ble Member or my opinion as to those reasons may be; and I think it is clear that the reason given rather than any special consideration for the *agriculturist* was what influenced the decision.

"If the Hon'ble Member really gained the impression from my speech of 25th October 1906 and from the Statement of Objects and Reasons that 'the abolishing of the agriculturists is proposed mainly for the reasons of certain diffi-

culties which were caused by the new law in preparing some of the Revenue Records,' I can only say that I must have signally failed to express my meaning clearly. What I endeavoured to establish in my remarks on the introduction of this measure was that the creation of the statutory agriculturist was ***unnecessary, inconvenient*** and *mischievous*. Under the second of these heads I referred to the difficulty of determining in accordance with the definition of agriculturist given in the Act, which refers to entries in the settlement records, who came within the terms of the definition. I also referred to the difficulties involved in our having to follow areas which have been alienated to an agriculturist for the purpose of insuring that subsequent alienations were made only to members of agricultural tribes or to other agriculurists. All this, however, has nothing whatever to do with 'difficulties in preparing the Revenue Records."

"The Hon'ble Member further observes that 'there has been no abuse of the privilege up to now in the course of the last six years. Therefore there is no likelihood of any mischievous results if agriculturists are allowed to be maintained in the Act.' In my remarks on the previous occasion, however, I endeavoured to explain why it had come about that so little use had been made of the permission to alienate to statutory agriculturists. The result has really been due to the failure of both parties to realize what the Act permitted, and, therefore, no conclusion can be drawn from what had occurred in the past as to what the future results might be. As to the mischief anticipated if the statutory agriculturist remained in the Act, I stated the conclusion, which I should explain is not a matter of my own opinion, but of that of those responsible for the working of the Act that 'there appears to be every probability that, unless we interfere, considerable quantities of land would before long pass from the agricultural to the privileged portion of the money-lending class.'

"It is quite true as observed by the Hon'ble Member that 'all men of the non-agricultural class cannot be deemed to be money-lenders.' That is a point which I have endeavoured to bring out in the remarks which I have already made to-day. But it would be impossible in the circumstances to give effect to any such distinction even if it were desirable to make it, while above all it is to be remembered that the object to be attained by the Legislation is to prevent the alienation of land by the members of the real agricultural tribes, which of necessity involves prohibition of acquisition by any other class."

"The speech of the Hon'ble MALIK UMAR HAYAT KHAN is a valuable contribution to the discussion. I do not think that there is any one whose opinion as to the effects of the Bill is better entitled to consideration. I regret that the Hon'ble SARDAR PARTAP SINGH has been prevented from attending to-day. We are grateful for the assistance which he has given us in Select Committee."

His Honour the PRESIDENT said—"I wish, before putting the question for passing this Bill, to make a few remarks on the working of the Punjab Land Alienation Act, as this is the last opportunity that I shall have of doing so, and the Act is one in the framing and passing of which I took some share, and whose operations I have always watched with special attention and interest. The Land Alienation Act has been in force now for nearly six years, and I have no hesitation in saying—and I base this opinion not only on the periodical official reports on the working of the Act, but also on my own personal enquiries in all parts of this province during the past five years—that the objects which it was intended to effect have been attained, so far at all events, with a remarkable degree of success. The opponents of the measure, when it was under discussion, raised two main objections to it,—firstly, that the agricultural classes would resent the restrictions which it was contemplated to impose on their rights of free transfer, and secondly, that the credit of the agricultural classes would be so seriously impaired that they would be unable to raise money in time of need for their legitimate requirements. Experience has shown that neither of these forebodings has been realized. There cannot be a shadow of a doubt that the

agricultural classes throughout the Punjab regard the Act with full appreciation as a measure which was solely devised for their protection and benefit and which is fulfilling its intention, and as regards the contraction of credit, the effect of the Act has been the very desirable one of placing a wholesome check on reckless and extravagant expenditure, but there are no indications that the agricultural classes experience difficulty in obtaining reasonable loans for necessary purposes ; at the same time, the value of land which, as was of course anticipated, was depreciated for a time, has recovered. Also, the apprehensions which were entertained by some critics that the working of the Act would impose an unduly heavy burden on the district officer and his revenue staff have proved unfounded. The two main points which require careful and constant attention are, firstly, whether the smaller and weaker agricultural tribes are being expropriated under the provisions of the Act, as they stand at present, by the larger and more enterprising tribes, and secondly that tribes which are not truly agricultural, and which desire to be notified under the Act, not for self-protection but in order to obtain additional facilities for acquiring land, are not admitted to the agricultural status. The necessity for the alterations made by the Bill now under our consideration in the original Act has been fully explained by the Hon'ble Member in charge, and I have every hope that the Act will work as successfully in the future as it has hitherto."

On the motion being put the Hon'ble THAKUR MAHAN CHAND voted against the passing of the Bill.

The Council divided :—

Ayes—5	*Noes*—1
The Hon'ble MALIK UMAR HAYAT KHAN.	The Hon'ble THAKUR MAHAN CHAND.
The Hon'ble MR. FINNEY.	
The Hon'ble SIR DAVID MASSON.	
The Hon'ble MR. DOUIE.	
The Hon'ble MR. GORDON WALKER	

So the motion was agreed to.

COLONIZATION OF GOVERNMENT LANDS (PUNJAB) BILL.

THE Hon'ble MR. DOUIE presented the report of the Select Committee on the Bill to make better provision for the colonization and administration of Government lands in the Punjab. He said :—" In presenting to the Council the report of the Select Committee on the Bill to make better provision for the colonization and administration of Government lands in the Punjab, I must explain why it is only signed by two of the members. My Hon'ble friend Thákur MAHAN CHAND fell ill on his way to attend the second meeting of the Committee at Delhi. The meeting could not be postponed because the Hon'ble Malik UMAR HAYAT KHAN had important public duties to perform at Calcutta. We therefore discussed the Bill with the result embodied in the report. It was my intention to discuss our conclusions with the Hon'ble Thákur MAHAN CHAND, and he came to Delhi for the purpose. But during the three days we were both there he was much too ill to attend to business. A date was therefore fixed for a meeting in Lahore, but again sickness barred the way.

"I should like to state now that in addition to the amendments suggested in the report I have given notice of amendments to sections 25 (1) (*d*) and 28 (1) (*d*), which I understand my Hon'ble friend Malik UMAR HAYAT KHAN considers to be improvements. If these are adopted by the Council clause 25 (1) (*d*) will run—

'fells, girdles or otherwise wilfully damages any tree standing on any such land' and in clause 28 (1) (*d*) after 'owners' the words 'other than auction purchasers' will be added."

ADJOURNMENT.

The Council adjourned to Thursday the 28th February 1907.

LAHORE :
The 21*st February* 1907.

S. M. ROBINSON,
Secretary, Punjab Legislative Council.

Punjab Government Press, Lahore—28-2-07—868.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, MARCH 7, 1907.

PART V.

Proceedings of the Council of the Lieutenant-Governor of the Punjab, assembled for the purpose of making Laws and Regulations.

PUNJAB GOVERNMENT.

LEGISLATIVE DEPARTMENT.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of the Punjab, assembled for the purpose of making Laws and Regulations under the provisions of the Indian Councils Act, 1861 *and* 1892 (24 *and* 25 *Vict., Cap.* 67, *and* 55 *and* 56 *Vict., Cap.* 14).

THE Council met at the Council Chamber, Government House, Lahore, on Thursday, the 28th February 1907, at 11 A.M.

PRESENT:

His Honour Sir CHARLES MONTGOMERY RIVAZ, K.C.S.I., Lieutenant-Governor of the Punjab, *presiding*.

The Hon'ble Mr. T. GORDON WALKER, C.S.I., I.C.S.

The Hon'ble Mr. J. McC. DOUIE, C.S.I., I.C.S.

The Hon'ble Sir DAVID MASSON, C.I.E., KT.

The Hon'ble Mr. STEPHEN FINNEY, C.I.E.

The Hon'ble Sardár PARTAP SINGH, Ahluwália.

The Hon'ble Thákur MAHAN CHAND.

The Hon'ble Malik UMAR HAYAT KHAN, TIWANA, C.I.E.

COLONIZATION OF GOVERNMENT LANDS (PUNJAB) BILL.

THE Hon'ble Mr. J. M. DOUIE moved that the Report of the Select Committee on the Bill to make better provision for the colonization and administration of Government lands in the Punjab be taken into consideration. He said :—

" The measure which is the subject of our debate to-day has been misunderstood by many whom it concerns and misrepresented, perhaps unwittingly, by some who claim to reflect and direct public opinion I hold in my hand a sheaf of petitions (there are many more of them) issued in lithographed form from a newspaper press and bearing the signatures and thumbmarks of a number of colonists. The signatories state that they have carefully read or heard the contents of the Bill and feel grateful for the opportunity given to them of stating their objections. They think it is beneath the dignity of Government to cancel the agreements on the strength of which they were induced to leave home and kindred and to incur heavy expenditure. For a full statement of their objections they refer Government to the columns of the newspaper mentioned above. Public meetings, at which the attendance has been large, have been held at several of the towns in the Chenab Colony. The objections were summed up in the first three of the resolutions submitted to the Lyallpur meeting, and these I shall now read to the Council :—

" '*Resolution I.*—This meeting is of opinion that Bill 3 of 1906 is not a proper Bill to be passed into law, because—

" '(1) It is unconstitutional and goes against previous contracts ;

" '(2) it unfairly subjects the previous grantees to new liabilities and responsibilities ;

" '(3) it alters the rule of succession against the provisions of the personal and customary law of zamíndárs ;

" '(4) it provides severe punishments for ordinary faults and mistakes ;

" '(5) instead of checking the illegal or unauthorized proceedings of officers it legalizes them ;

" '(6) it creates, for reasons given above, feelings of distrust and dissatisfaction among the zamíndars.

" '*Resolution II.*—As the work of colonization in the Chenab Colony is about to end, and the already existing laws applicable to the Punjab are sufficient to regulate the rights and liabilities of tenants, occupancy tenants, and owners, no new law is required for the colony.

" '*Resolution III.*—Even in the case of new colonies hard and stringent rules would be prejudicial to the interests of both the Government and the subjects.'

" The same resolutions were passed at a large meeting held at Gojra.

" It is alleged therefore that Government intends to tear up the agreements it has made in the past and proposes to adopt for the future a harsh and vexatious policy. I am well aware that, however aroused, genuine fears and misapprehensions exist among a large number of colonists, and it is my duty to meet their difficulties with sympathy, to provide a remedy where their fears are reasonable, and to give a full answer to the assertions made. If in doing so I have to address you at unusual length I must crave your indulgence. This measure has a long and tangled history behind it, which I must unravel in explaining and justifying its provisions.

" When I introduced the Bill on the 25th of October I mentioned that the germ of the great work of colonization carried out on the lands commanded by the Chenab and Jhelum Canals was to be found in the settlement of the Sidhnai and Sohág-Pára Canals under the plans devised by the late Colonel Wace. A scheme for the Chenab Colony was drawn up in 1891 by Mr. Ibbetson, who was at that time Deputy Commissioner of Gujránwála, was considered by a

committee presided over by Mr. C. M. Rivaz, Financial Commissioner, and was approved with some modifications by the Lieutenant-Governor, Sir James Lyall. The grantees of land were to be divided into four classes,—

"Auction purchasers.

"Capitalist grantees who were not to be bound to reside, who had to pay according to the size of their grants a *nazrána* or entrance fee at the rate of Rs. 10 to Rs. 20 per acre, and could five years after entry acquire ownership by additional payment of Rs. 21 per acre, if half of the land had been brought under cultivation.

"Yeoman grantees were to hold on much the same terms, but their grants were smaller and the *nazrána* less. Under orders of the Government of India residence was to some extent made compulsory.

"Neither capitalist nor yeoman were to have any rights of transfer before acquiring ownership.

"Peasant grantees paid no entrance fee, but, if they brought under cultivation half the area of their grants in five years, they were to be given an inalienable right of occupancy.

"One-fifth of the area of each estate was to be reserved as Government property.

"The form of lease used for the Sidhnai with some modifications was proposed for adoption.

"Before I go further I shall note the progress of colonization on the two great canals. The dates I shall give are not unimportant. In July 1890, when the Chenab Canal was still only an inundation one, three villages were allotted to *Mazhbi* pensioners of the three Pioneer regiments. The real work of colonization did not begin till February 1892, when Mr Maclagan was appointed Colonization Officer. The Rakh Branch was the only one that had then been constructed. This is the smallest of the three branches, and out of a total area of 1,813,000 acres colonized up to the end of March 1904 only 447,000 are on the Rakh Branch. About two-thirds of this had been given out before February 1893 when Act III of 1893 came into force, and by the end of September 1897, 430,000 had been allotted. The area granted to colonists on the Jhang Branch is 572,000 acres, and colonization began in 1896. The first settlers on the Gugera Branch, on which the allotments amount to nearly 800,000 acres, came on to the land in 1898. Following the classification of grants on the Chenab Canal given above, and omitting grants made on special terms, I may classify the Chenab Colony allotments as follows :—

	Acres.
"To auction purchasers	24,627
"To capitalists	89,174
"To yeomen	142,406
"To peasants	1,344,954

The colonization of the lands commanded by the Jhelum Canal began in 1902.

"In November 1891, some months before the colonization of the Rakh Branch lands was taken in hand, the Financial Commissioner issued vernacular statements of the terms on which lands would be granted to peasants. At the same time forms of application were supplied with statements of conditions attached. On the 25th of January 1892 he distributed similar forms of application for yeoman and capitalist grants. The intention was that each grantee should sign a deed of lease, and on 28th January 1892 forms were sent to Government. Delay occurred, and in February 1893 the Government Tenants Act (Punjab) was passed, which was intended to render leases unnecessary. It provided that the Local Government might issue statements of the conditions on which it was

willing to grant land, that such statements should be prefixed to registers to be opened and maintained by the Deputy Commissioner, that before a tenancy was granted the necessary particulars should be entered in the register. and the entry should be signed by the proposed tenant and the Deputy Commissioner. This constituted the contract. The person signing as proposed tenant was, notwithstanding any previous agreement, to be deemed to have accepted the lands as a tenant from Government on the conditions prescribed in the statement prefixed to the register. The eighth section of the Act protected the rights of tenants from attachment and forbade their alienation without the consent of the Financial Commissioner. The ninth section made all sums due to Government in respect of a tenancy recoverable as arrears of land revenue. In November 1893 the Financial Commissioner sent to the Government for approval statements of conditions for peasant, yeoman, and capitalist grants on the Rakh Branch. These agreed closely with the draft leases ; one important change was the omission of the clause from the peasant and yeoman statements which forbade transfers. It was explained that this clause was no longer required as Act III of 1893 prohibited the alienation of tenancies. Again long delay took place. The statements of conditions for *Mazhbi* and peasant grants on the Rakh Branch were sanctioned in August 1896, and those for similar grants on the Jhang Branch in April 1897. Those for yeoman and capitalist grants on both these branches were approved in July 1897. The Gugera Branch statements for all classes of grants are identical with the Jhang Branch ones. They were sanctioned in 1898. In January 1899 an amendment was introduced into them, requiring the consent of the Financial Commissioner to transfers by yeoman grantees, even after they acquired ownership. It will be observed that the Rakh Branch conditions only assumed their final form when nearly the whole of the land on that branch had been allotted. In consequence I have proposed an amendment to clause 24 which I hope the Council will accept, although there, as elsewhere, the signing of the register constituted acceptance of all the conditions prefixed to it. The conditions for all classes of grants on the Jhelum Canal and for peasant grants on extensions of the Chenab Canal were sanctioned in July 1902. It is my duty to-day to explain to you what these various statements of conditions contain and to refute the assertion that they have been set aside in the present Bill.

"The procedure provided by the Government Tenants Act of 1893, which was to be so easy, was not so, as a matter of fact. I do not assert that the formalities required by sections 5, 6 and 7 were carried out exactly or fully. The Bill in its 33rd clause admits that there were defects and omissions. I do not assert that grantees made themselves masters of the contents of the statements of conditions. Except on the Rakh Branch at the beginning of colonization the desire for land on the Chenab Canal was so keen that people would have accepted without question almost any conditions offered to them. It was enough to know that, if they built their houses, settled on the land, and brought half of it under tillage in five years, they would be given a permanent title in a canal-irrigated area five or six times as large as the holdings they owned in their native villages. For the rest they trusted Government ; and the comfort in which they live, and the large prosperity which most of them enjoy, is proof that their confidence was not misplaced. My Hon'ble friend, MALIK UMAR HAYAT KHAN, has a large grant on the Jhelum Canal. I do not think he will point out anything in the Bill which contravenes any of the conditions on which he holds that land. I shall show when I discuss the clauses of the Bill to which exception has been taken that most of them have been taken straight from the Jhelum conditions. As already stated, the conditions for peasant grants on extensions of the Chenab Canal sanctioned in 1902 are identical with the Jhelum Canal conditions. Are we then tearing up the conditions framed for the three great branches of that canal before 1902? Let us see exactly what these conditions contain. I begin with those sanctioned for the Jhang and Gugera Branches, noting that they irrigate three-fourths of the colonized area.

"Government reserved its right to minerals and the right of the public to use roads passing through the allotment. It made certain special provisions for the surrender by the tenant of land required for roads, &c., but these were to cease to be operative when permanent rights had been acquired. A condition limited in the same way bound the tenant to pay for the cost of demarcating the land, digging water-courses, and sinking a drinking well near the village site. The peasant conditions provide that the tenant 'shall build a house and settle permanently in the estate.' The yeoman conditions add 'unless the Financial Commissioner sanctions a different arrangement in any particular instance.' The terms of capitalist allotments bind the grantee to construct a house and 'either reside therein himself or cause some competent member of his family or other person approved by the Deputy Commissioner to reside there.' All the conditions permit the tenant 'to sink wells, make water-courses, plant trees, build houses, and otherwise improve the land.' Provision was of course made for the payment when due of canal rates, land revenue and cesses, and clause 19, to which I invite the special attention of the Council, was as follows:—

"'If the tenant fails to pay in the manner hereinbefore provided all sums due to Government under these provisions and to duly observe all or any of the stipulations herein contained and to be by him observed, then and in any such case the Government may forthwith without payment of any compensation whatever resume and repossess the whole of the said lands.'

In the case of capitalist grants it was provided that the grantees should buy the trees and brushwood outright. No part of the area was reserved as Government property to serve as a grazing ground. For peasant and yeoman grants the provisions were as follows:—

"'The tenant may use for his own *bonâ fide* private purposes connected with the cultivation or reclamation of the said lands any trees or brushwood standing thereon, but such trees or brushwood shall not be sold, bartered, exchanged or given away by the tenant: provided that any trees or brushwood which it is necessary to remove in order to bring the said lands or any parts thereof under cultivation shall be at the absolute disposal of the tenant and may be sold by him.'

(That referred to the land allotted to the grantee.)

"'The portion of the area of the mauza in which the tenancy is situated which has not been allotted, is reserved for the present as Government waste. The tenant shall be allowed as a matter of favour to graze his cattle upon it, and, with the permission of the Deputy Commissioner, to cut wood from it for his *bonâ fide* domestic purposes when the wood on his tenancy is exhausted But he shall not be allowed to cultivate it. Any infringemnt of this prohibition shall be regarded as a breach of the stipulations of this statement within the meaning of clause 19.'

"We have seen already what clause 19 provided. Lastly, I ask your attention to clause 20—

"'In the event of any dispute arising between he Government and the tenant during the currency of the tenancy as to the property and rights hereby reserved to Government, or as to any matter in any way relating thereto, or as to any of the conditions of the tenancy, or as to any matter or thing anywise connected therewith, the said dispute shall be referred for the opinion of the Deputy Commissioner, whose decision shall be final and conclusive between Government and the tenant.'

"Clauses 19, 20, and the clause regarding residence were to be of perpetual obligation, remaining binding after a capitalist or yeoman grantee had acquired ownership.

"The Rakh Branch conditions as settled in 1895 and 1897 agree for the most part word for word with the conditions for the same descriptions of grants on the other two branches. The residential and house-building conditions are however different. The peasant is bound to settle permanently, but it is not expressly said that he must build a house for himself. The yeoman condition

agrees with the capitalist condition on the other branches and implies that the grantee is not bound personally to reside. There is no provision requiring a tenant of any class to contribute to the cost of sinking a village well.

"I must trespass still further on your patience and ask you to consider with me the chief provisions of the Bill in the light of the above remarks.

"Clauses 5 and 9 refer only to statements of conditions to be issued hereafter. They cannot bear any other construction. But unfortunately the Statement of Objects and Reasons says 'Under the conditions of sale by auction and the terms under which tenants have been allowed to acquire proprietary rights in accordance with the statements of conditions issued under Act III of 1893 the proprietary rights have always been subject to certain limitations, provision has accordingly been made (clause 5 and clauses 9-11) for the legal enforcement of these limitations against the persons bound by them.' The fact that the District Indian Association of Ráwalpindi should have supposed that these clauses could affect the position of existing grantees can therefore be no cause of complaint. The limitations to which the ownership acquired by yeoman and capitalist grantees is subject are embodied in existing statements of conditions. To some of them I have already referred. They are maintained in force, not by clause 5, but by section 4 of the Punjab General Clauses Act I of 1898 and by clause 8 of the Bill. A certain amount of land on the Chenab Canal has been auctioned in 1892, 1899, and 1900 The rights of the auction purchasers in 1892 are regulated by a deed of sale signed by the Chief Secretary to Government and by the vendee. They are practically unrestricted except in one particular. The vendee agreed that 'in case of any dispute . . . . . as to land or lands, property and rights, hereby reserved, or in any matter incidental or otherwise relating thereto, or as to any compensation as aforesaid, or as to any other matter or thing arising out of this indenture, the decision in each case of the Lieutenant-Governor for the time being shall be final and conclusive.' Before the sales made in 1899 and 1900 public notice was issued stating the conditions. This most assuredly imposed limitations on the fullness of the proprietary title acquired, one of which may be quoted—

"'no buildings shall be erected on the lands purchased for agricultural purposes without the sanction of the Deputy Commissioner.'

"Much suspicion seems to have been excited by clause 8 which provides that 'any person who before the commencement of this Act was a tenant from Government of land to which the Government Tenants (Punjab) Act, 1893, applied shall . . . . be deemed to have accepted and to hold the lands of which he was a tenant in accordance with the conditions originally made applicable to his tenancy as supplemented to the extent hereinafter expressly provided by this Act.' I stated when I laid the Bill before the Council how limited was the extent to which retrospective provisions had been introduced into it. In Select Committee we have safeguarded the position further, and I am myself about to propose amendments which go further still. When I deal later with the clauses which have any retrospective effect I shall explain carefully what it amounts to. But here I wish to state that, if the Bill supplements the conditions in one direction, it is the intention of Government to give grantees the benefit of some provisions which are more favourable than their present conditions. I shall state hereafter what these are, and in this matter I should be understood not as stating my own opinion, but as speaking by permission and with authority.

"Section 12 only refers to persons put in possession of land in a colony as tenants after the commencement of the Act. The Select Committee has proposed to strike out the words 'or shall have withheld information which he knew to be necessary for the determination of such qualifications.' They are not required, and it is just conceivable that in a few cases their retention might cause hardship.

"Clause 14 has been framed with so careful a regard for existing rights that I should not have thought it necessary to refer to it here. But in a very temperate and reasonable memorial presented by the Zamíndárs' Association of Lahore it is suggested that some further safeguard is required. I should explain that, when the colonization of a great waste area is undertaken, we generally find a few wells scattered over the area and held by Government lessees the period of whose leases has not yet expired. It is necessary to determine these leases, and the usual plan is to give the lessee a grant of canal-irrigated land on peasant terms. I think he makes a very profitable exchange. But section 14 gives him the option of taking instead compensation in cash with the addition of the 15 per cent., which would be given if we acquired his rights under the Land Acquisition Act. If he objects that the compensation offered by the Collector is insufficient he may require that his interests shall be acquired under the procedure laid down in the Land Acquisition Act. When an award is given under that Act he can claim that the matter be referred to the Divisional Judge for decision. The objection of the Lahore Association that an appeal from the Collector's first offer of compensation should be allowed seems therefore to have no force.

"I now come to a very important clause of the Bill,—I mean the one restraining transfers. You will observe that, like the corresponding clause in Act III of 1893, it only deals with the rights of tenants. If in the case of yeomen who have acquired ownership alienation without permission is illegal under the statement of conditions applicable to their grant, as for example in the case of yeoman grantees on the Gugera Branch, the bar to transfer is not removed by this clause. It forbids transfers by will, and this is an addition to the law, the reason for which I explained at the meeting of the Council held in October last. I do not think much, if any, notice has been taken of the change, or that any complaint has been made. My own opinion is that it is very undesirable that the first colonists should have a power to make wills, simply because the grant they have received from Government is technically self-acquired property. The prohibition does not, as I have already pointed out, affect yeomen and capitalists who have acquired ownership. If their personal law gives them the right to make testamentary dispositions of their land they retain that right. Section 8 of Act III of 1893 did not specifically mention leases. All the Jhelum Canal conditions and the peasant conditions issued in 1902 for extensions of the Chenab Canal prohibit subletting for more than two harvests, and this limit was reproduced in clause 16 in its original form. The Select Committee has for very good reasons explained in its report proposed to substitute "two years" for "two harvests." But on further consideration we are prepared to do a great deal more, as I shall explain when I shall propose an amendment which is on the agenda. Grantees on the Jhelum Canal will be allowed the benefit of the relaxation of one of their conditions. I do not intend to take up your time with a discussion of the difficult question how far subletting by tenants was restricted by section 8 of Act III of 1893. I hope the Council will agree to the proviso which the Select Committee wished to add to section 16, that in the case of any tenancy existing at the commencement of the Act the section shall not operate to create any restriction on the power of subletting not enacted by section 8 of Act III of 1893 or embodied in the statement of conditions applicable to the tenancy.

"Exception has been taken to section 18 on the ground that 'it limits the succession of owners to a very narrow circle of heirs against the established custom and usage of the country.' The third resolution of the Lyallpur meeting, which I have already quoted, probably refers to this clause. I understand that in the Chenab Colony the clause was supposed to be retrospective, and the same misconception appears in the memorial of the District Indian Association of Ráwalpindi. The opening words of the clause 'in all statements issued under section 5 of this Act' show that it has no retrospective effect whatsoever. The Select Committee has proposed to strike out the words 'or owner'.

This is an undoubted improvement, for there is no reason for limiting succession to heirs of the body of an original grantee who has acquired ownership.

"The first sub-clause of section 19 has been criticized as inequitable on the ground that the deceased tenant's family will lose all he has spent in reclaiming the land. Let me read the corresponding condition in all the Jhelum statements and in the statements for peasant grants on extensions of the Chenab Canal—

'When the peasant dies without having acquired a right of occupancy under condition 22 the tenancy shall lapse to Government, and all rights conferred upon the tenant by those conditions shall be extinguished.'

"Our sub-clause is much less stringent. It merely provides that 'the Collector, if he considers that in the circumstances of the case such an order would be equitable, may direct that the land shall be resumed.' The Collector has to find, and on appeal the Commissioner has to find, that under the circumstances of the case resumption is equitable before he can resume, and if both of them err, the Financial Commissioner can be asked to overrule them. In the Jhelum Colony a regrant to the heir is a new tenancy, and occupancy right is not claimable for five years. But under the provisions of the Bill, if the grant is continued to heirs, the period during which the original tenant held the land will be taken into account in calculating the five years of probation. It is idle to contend that resumption would never be equitable. The tenant's connection with the land may have been very short or very unsatisfactory. I suppose only the Colonization Officers in the Chenab Canal Colony and my predecessors and myself as the authority hearing appeals from their decisions realize the infinite trouble involved in getting many grantees to reside on their grants and build houses. They have homes and lands in Gurdáspur, or Jálandhar, or Ambála, and persistent attempts, continued year after year, are made to evade the fulfilment of the conditions on which they hold their allotments. The plea that the tenant has sunk money in the land with no adequate return is plausible, but is it generally speaking true? Probably on the contrary he has made large profits. The reclamation of land in the tracts served by our new canals often costs very little, the settler gets virgin soil, and initial remissions. On the Jhelum Canal he pays nothing to the Irrigation Department for water and no rent whatever for two harvests. All that is recovered from him is Rs 2 per allotted acre for the cost of survey and water-courses. The terms on the Chenab Canal were still more liberal. Many colonists on the Jhelum and Chenab Canals could tell the people who think Government is so short-sighted as to be hard on its tenants, that they have received indulgence in this respect beyond the strict letter of the law. The clause applies only to future allotments, but in practice Government will apply its provisions to the Jhelum grants in place of the severer condition on which they are held.

"We have next to consider a group of clauses, 20 to 23, dealing with buildings and village sites Let me explain the actual state of things in the Chenab Colony When the first yeoman and capitalist grants were given out on the Rakh Branch no land was reserved for a village site. Under the conditions as finally issued in 1897 they were bound to build houses. They built them for their tenants and themselves on their own lands with the result that in their villages there are numerous hamlets scattered over the area. To quote the words of a former Colonization Officer—

"'The small steadings seldom exhibit any signs of cleanliness or neatness, and are generally surrounded by deep and irregular borrow-pits partially filled with refuse. However ideal, therefore, may be the conception that each grantee should live on his own land, in practice it is not satisfactory, and it combines disadvantages both for the people and for the administration. A system of scattered homesteads places difficulties in the way of all police and revenue work, and deprives the colonists of many of the amenities of life obtainable in larger communities. The small hamlet is more liable to theft and depredations, the full complement of village menials being seldom available on the spot,

and if well water is to be obtained for drinking purposes, the whole burden of expenditure falls heavily on one man. For these reasons the grantee themselves now generally prefer joint villages. The only objections to the latter are difficulties of distance for labourers and carriage of manure, but these can be overcome by allowing steadings for cattle and men on the grants themselves.'

"With the exceptions noted above and perhaps some cases on the Jhang Branch land has been reserved for village sites in making allotments, and this was also done in selling land by auction in 1899 and 1900 The public notices then issued declared that 'village sites will be fixed at convenient intervals throughout the area to be sold by auction. For the purpose of residences for himself, his servants, and tenants, allotments of building land on these sites will be made to each purchaser in proportion to the area purchased by him. No rent or revenue will be charged on such land.'

"In the vast majority of cases therefore the whole population of each village lives within a single site, the land of which is not included in the allotments made to grantees and entered against their names in the registers The reasons for keeping village sites as the property of the State are strong. It enables us to insist that sites shall be laid out on a regular plan, and that the people shall live in healthy surroundings. Anybody who is familiar with the colony knows how admirable has been the result. Instead of narrow and dirty lanes and small houses crowded together we have broad roads bordered by spacious enclosures in which the grantee builds his dwelling house and his store-rooms and keeps his cattle. He is usually allotted 960 square feet for every square of agricultural land which he holds. Village menials and shop-keepers are given smaller but still roomy sites. Grantees hold their sites free of rent, and so do the tenants of yeomen and capitalists and the village menials. Other occupants pay a small rent to Government.

"The Jhelum conditions expressly require a grantee to build a house on a site allotted by the Deputy Commissioner. It is true that the conditions for the three great branches of the Chenab Canal do not say that the house must be in the square reserved for the village site, and that the capitalist condition runs that 'the tenant shall construct a house on the said lands' (*i.e.* the lands allotted to the tenant) 'or in the village in which they are situated.' But surely the enforcement of building on a common site and more or less on a regular plan was most wise and salutary. Here is a pleasant picture of the colony villages—'The best villages are those of the peasant colonists who come to stay and make themselves comfortable; but there are considerable differences in expenditure and style of architecture.'

"The Amritsar peasant is usually the most ambitious. If a Sikh, as he usually is, he loves a high wall and a good gateway, which serves also as a screen. He houses his relatives and tenants well, and usually spends money lavishly on the Lares and Penates of his establishment. The Jálandhar Jat is very partial to the *deorhi* or covered entrance which is so common in his old district. He makes it of burnt brick masonry which may cost him a thousand rupees, and covers it with strange pictures which often include rough presentments of European soldiers. Ludhiána grantees do not as a rule spend large sums on their dwellings, and Ludhiána villages are generally rather untidy. Occasionally, however, a lofty two-storeyed house is erected, and a long verandah, which protects one side of the house, is common enough. A bungalow in European style is becoming quite a common luxury even for well to-do peasant lambardárs to whom the soothing pankha is by no means unknown.

"When touring lately on the Upper Jhang Branch I was immensely struck with the scrupulous cleanness, orderliness, and comfort of some of the *Jangli* villages occupied by people who a few years ago were Bar Nomads. To use a homely phrase one might have eaten one's dinner off the floors, and the store-rooms were models of neatness and good order. These people deserve every credit. Nothing that Government could have done could have enforced

so high a standard, but the action of the State has made it possible. It has been usual, I believe, on the Chenab Canal to require grantees who wished to keep their cattle on their own allotments to get permission to put up the needful buildings. I do not think that was correct, for the conditions permit the grantee 'to build houses.' But if the Council accepts the amendment of the Select Committee to clause 23, no such permission will be required.

"Clause 23 is intended to affect all grants past and future. But as safeguarded by the amendment proposed by the Select Committee, I think the Council need not hesitate to pass it. The Lahore Zamíndárs' Association, dealing with the clause in its unamended form, notes with reason that, if an owner plants a garden on a portion of his land, the erection of a building in the garden ought not to be open to objection. If an owner does anything so useful and pleasant, and wants a garden house in which he can sleep on sultry days or nights, he will be a very cross-grained Collector who refuses leave, and he is little likely to be supported in such ill-advised action. The maximum punishment provided for a breach of the prohibition in section 23 was perhaps too severe, but an amendment on the agenda paper will put that right.

"I believe the other three sections were meant to apply to existing as well as to new grants, but, if that is the case, I am advised that the intention has not been made effectual. I am not sure that this is beneficial to present grantees, as apparently it leaves it optional with Government to demand rent. But there is no intention whatever of altering the state of things to the grantee's disadvantage, and, so long as a grantee in the Chenab or Jhelum Colony continues to be a tenant or owner, he will hold the site allotted to him free of rent. By additions to sections 20 and 21 the Select Committee has made provision for the case of transferees holding under valid deeds of sale. We cannot allow the vendor of the agricultural land to sell in whole or part a site which belongs to Government. But we have done what we can to see that the transferee shall get a site.

"Clause 24 of the Act is one that has been subjected to much criticism. I do not suppose that any one can reasonably object to the first sub-clause. The remaining sub-clauses are in exact agreement with clause 23 of the Jhelum Canal conditions and the peasant conditions on extensions of the Chenab Canal except that we propose to extend the period of grace for payment of Government dues from 15 to 30 days. They are far less drastic than the conditions for all classes of grants on the three great branches of the Chenab Canal sanctioned between 1896 and 1898. If the clause is adopted in the form suggested by the Select Committee, an owner will no longer be liable to ejectment without compensation for unpunctuality in paying land revenue and canal charges. Payment will be enforced under section 27 by the same processes as can be employed against any defaulting proprietor anywhere in the Punjab. It may be that we could insist that, sub-section (2) notwithstanding, an owner's liability for default in payment under existing conditions is unaffected, but we shall set up no such claim. It may be assumed that as regards all owners in the Chenab Colony the condition referred to above will be treated as cancelled. There was no provision in the Chenab Canal conditions like that in the Jhelum conditions and the present clause for fining grantees for breach of conditions, but in practice Colonization Officers employed fines as a milder weapon than confiscation. Section 24 is a relaxation of existing conditions, and at present we are not prepared to go further or to deprive ourselves of an effective means of enforcing conditions without the necessity of bringing suits.

"Even in the case of those yeoman grantees who are bound to reside we require a strong and a ready means of enforcing compliance. What good to Government or the Colony are yeomen who do not live on their lands? The very object of the creation of this class of grantees was to attract men who would be local leaders, to whom Government might look for help in its dealings with the great mass of the peasantry. Administration is always difficult where

no class is to be found but the actual tillers of the soil, and one of the great mistakes of the early government of this province, otherwise so admirable, was that that fact was not adequately realized. Sixteen years ago, when the Colony was about to be started, the Government of India pointed out 'the serious objections attaching to the creation of small absentee proprietorships.' Colony administration ought not to be perpetual, and clause 35 of this Bill provides a ready means for its gradual withdrawal. When action is taken under that clause we may be able to relax existing conditions, but that is a matter for future consideration.

"The position of the Rakh Branch grantees is peculiar because most of them had been put in possession long before the conditions were finally sanctioned in 1896 and 1897. I have put on the agenda paper a notice of amendment, which will exempt them from the operation of this clause. I reserve anything more that has to be said on the subject till the time comes for moving the amendment.

"Sections 25 and 26 deal with offences and their punishment. These are new provisions and one of them at least has caused alarm. The offences are all connected with land owned by or in the possession of Government, or set apart for the common purposes of a town or village community, or for a road, canal, or water-course. No one may encroach on such land, break it up for cultivation, build or dig water channels on it. Ought we not to have a ready means to prevent such things? The provision as to trees on Government lands or lands set apart for the common purposes of a village has aroused alarm, and in its present form this is not perhaps to be wondered at. I have put an amendment on the paper which I hope will be considered an improvement. In the Select Committee's report it has been proposed to greatly reduce the penalties as they stood in clause 25 as originally drafted. On further consideration we think we can do even more than it proposed and still retain sufficient power to enforce obedience. I shall move an amendment to-day which will, if adopted, strike out the penalty of imprisonment altogether.

"The tracts commanded by our new canals in the Western Punjab were in their natural state singularly bare of trees. Much has been done in the Chenab Canal to remedy this, though the conditions for the three principal branches did not give Government power to enforce tree planting. The provision on the subject in clause 28 (1) (*d*) and the proviso thereto is taken from the Jhelum and later Chenab conditions. Tree planting is so desirable that we wish to take power to enforce it generally on Government tenants. In framing actual rules we shall endeavour to require nothing that will directly or indirectly have any serious effect on the area which can be successfully cultivated. The trees will belong to the tenant and Government will have no claim to derive any profit from them. The clause as it stands gives Government power not only to insist on trees being planted on land owned by itself and held by tenants having a permanent title, but also on land of which the ownership has been acquired by capitalist and yeoman grantees. I observe that my Hon'ble friend THAKUR MAHAN CHAND intends to propose an amendment to omit the words 'and owners', in clause 28 (1) (*d*). I am quite willing to accept that amendment if he will agree to limit its scope, so that it shall only apply to those persons who have already acquired ownership or are now holding land on conditions which permit them to acquire ownership. But I think we should retain full power to require future grantees of all classes to plant trees. I have an amendment to propose which will greatly reduce the severity of the penalties that can be attached to a breach of rules framed under clause 28.

"The provisions of section 29 enable Government to impose a cess on the occupiers of village sites in colonies to be spent on their sanitation and general administration. This is a new power, but it is one I think may very properly

be taken. I have already referred to the excellent homesteads that the colony estates now possess. The sites belong to Government and in the vast majority the chief inhabitants are State tenants. It may become, I do not say it will become, necessary to levy a small cess to be spent on conservancy and other purposes for the common good of the inhabitants. In all Punjab villages there is a *malba* or village fund which may be used for any common purpose at the people's discretion. There is no *malba* in most of these colony estates and we have at present no power to introduce one. Of course a cess under clause 29 would not be a '*malba*' properly so called, for it would be imposed by authority, Government could by rules issued under clause 28 (1) (*c*) regulate its expenditure, and these rules would certainly not cover some of the objects on which the *malba* is commonly spent.

"The Select Committee has proposed to add to clause 34 a proviso that if a register has not been signed by a tenant the statement applicable to the tenancy shall be deemed to be that which was in force for tenancies of the same description at the time when the land was allotted. No registers have been prepared in the Jhelum Canal Colony and there are a few cases in the Chenab Canal Colony where the registers have not been signed.

"I fear I have occupied much of your time. But the circumstances to which I alluded at the beginning have made it my duty to explain the provisions of this measure fully, to answer objections with patience, and, where they were reasonable, to meet them half way. A great deal of the criticism has been ill-informed, but that was inevitable. It is possible that some of the critics and some who have felt their personal interests were at stake may read what I say to-day. Perhaps I may be allowed to address one word to them. Criticize fully and freely any measure of Government, which, like this one, affects large bodies of people. It is right and proper that you should do so. But avoid that attitude of overstrained suspicion, which robs your criticisms of half their force. More than one of us who sit round this table have in their own spheres had something to do with the building up of the great colonies to which this Bill relates. We have seen the prosperous villages which occupy what was once a barren waste. We rejoice in the prosperity of the people, who have exchanged slender means and scanty acres at home for what is to a peasant affluence. We know that their prosperity has not only benefited themselves, but has brought a rich return to the State for the money it ventured on its great canals. Is it likely, is it even imaginable, that we should deliberately set our hands, I do not say to destroy, but in any way to mar, that great fabric of which we are so proud."

The Hon'ble MALIK UMAR HAYAT KHAN said:—" Your Honour, I beg permission to say a few words before the Bill is taken into consideration. It is admitted on all hands that the Bill is an important one, but unfortunately owing to certain circumstances we have been unable to give sufficient time to its consideration.

"As the people in the province generally and the agriculturists particularly are backward in education they do not grasp things quickly, and thus lose the opportunity for criticism especially as the conditions prevailing in the colonies themselves are manifold and diverse. It is only now at the critical time that they have been awakened to the fact, and have begun to send in their applications and representations.

"I would, therefore, like to suggest that further time should be given to the Members of the Select Committee to go through all the papers thoroughly, and thus be in a better position to submit a complete and satisfactory report to the Council.

"Moreover, the changes in the Bill during the last two days have been so rapid that it is very difficult for one to follow them and to frame any opinion about the merits and demerits thereof."

The Hon'ble THAKUR MAHAN CHAND said:—"It is rather satisfactory to remark that the Bill as now amended by the Select Committee appears to be much better than what it was before, but it could have been much improved, had it been postponed for some time for further consideration. The coming forth of so many proposals of amendments from all three Members of the Select Committee sufficiently prove that the Bill yet requires fuller consideration, and before having a discussion about it in the Council it must be returned to the Select Committee for a fresh and final report.

"I find too many amendments on the List of Business proposed by the Hon'ble Mr. DOUIE, of which I had no notice before now, so I will be unable to make any observations on the point unless a reasonable time is allowed to think over them."

The Hon'ble SARDAR PARTAP SINGH said:—"Your Honour, as a layman I cannot offer any observations with regard to the legal aspect of the proposed enactment, and it will be a matter for experts conversant with principles of jurisprudence to consider whether or not so much of the Bill as increases the rights of the Government, and relatively derogates from the rights of tenants, is politically sound. Permit me, however, to make one remark in regard to the policy of the Bill under discussion. If the result aimed by the measures proposed and achievable by them is to place the landlord and tenant on a basis of fair adjustment of mutual rights, they are open to no objection. While, on the other hand, if the rights of the tenants vested in them prior to the present Bill are to be detracted from, then in my opinion the landlord must make out a very strong case supported by political exigency or strong grounds of expediency. Of course new tenants desiring to become so with a knowledge of the terms offered have obviously an option to accept or reject them, but to those who have placed themselves in the position of Government tenants on a particular understanding, the Bill naturally will not be acceptable. It is a fact which should not be ignored that clause 8 of the Bill has invited great opposition from tenants prior to the Bill, and on various grounds this clause has been criticised. I may be pardoned for remarking that the Government occupies two-fold capacities which are independent of each other. One is that of a landlord of an impersonal type whose object is certainly unlike and dissimilar to a common landlord whom a sordid desire often prompts to trample on the rights of his tenant. The second capacity is that the Government possesses the machinery of a legislature which it can always invoke to its advantage, a privilege denied to private landlords. It follows, therefore, that the public generally should not be given an impression that that machinery can be used for the benefit of the Government as a landlord without a corresponding advantage to the persons affected thereby.

"Now viewing the Bill from that standpoint I for one have not been able to discover anything in it which confers on the tenants any advantages over and above what they possessed before, while there is manifestly considerable derogation from the original grants. I can understand that there may be, at times, reasons, and very cogent ones, for giving retrospective effect to an enactment between party and party, for example the Punjab Pre-emption Act, Contract Act Amendment Act (on the subject of undue influence), and the like, but the same grounds cannot apply reasonably when one party concerned happens to be the Government itself, not a political State but as proprietor of certain properties. From what will follow hereafter, namely, when I shall examine some of the provisions of the Bill, it will appear that the tenant prior to the Bill will be in a much more disadvantageous position *quâ* their landlord, the Government. The conclusion is irresistible that there can be no legal or moral justification for clause 8 of the Bill which, I would suggest, should be so framed as to exclude the tenancies and tenures created before the Bill.

"Coming now from the general to the particular, I find that in clause 18 'heirs' and 'legal representatives' are held to mean exclusively the heirs of the body of tenant and his widow if any. This provision clearly deprives old

tenants of the privilege which, I believe, they otherwise possessed of being succeeded by heirs other than those of their body, as for example heirs by adoption or customary appointment of an heir. The restriction of heirs to those of the body only will naturally result in larger resumptions to the Government—a result detrimental to the interests of the tenants. Likewise, there is a possibility of rules of succession to tenures which the Local Government is authorised to regulate under clause 28 of the Bill, also resulting in derogation from the tenant's rights.

"With regard to clause 23, I am of opinion that the equitable rule which prevails in courts of law between ordinary landlords and tenants should not be departed from, and which is to the effect that no tenancy is forfeited, particularly a permanent tenancy for mere non-payment of rent. The courts of equity always afford relief against such forfeiture clauses. The clause under discussion will, I am afraid, work great hardship on the tenants if non-payment of the sums due to Government entail a forfeiture of tenancy and a consequent resumption of it, super-added as it is by a further penalty of so many rupees per acre or a part of an acre. This hardship will be further enhanced by a summary eviction of the defaulting tenant by the Collector who is undoubtedly an agent of the Government. We must not forget that the interests of Government in the matter of dues are amply safeguarded by clause 27 which provides that 'all sums due to Government and' shall be recoverable as arrears of land revenue. The clause as it stands provides no guarantee whatever against a wrong decision as to a demand for payment of the dues. Nor is any remedy open to such a tenant otherwise than by way of appeal to higher revenue authorities, which the public will always view, rightly or wrongly, as representatives of Government interests. I, however, think that the period of even 30 days, assuming that the clause is retained as it is, is too short a period of grace. It should be at least raised to six months, considering that an impecunious tenant may be able to repay the sum in arrear from the produce of the next harvest, and also in consideration of the penalty of forfeiting the tenancy. I would suggest that if clause 24 is retained, some guarantee should be provided against any possible abuse of the privilege conferred on the Collector. Would it not be more advisable and expedient to substitute in lieu of the forfeiture of tenancy some penalty in money in addition to the rent due. We must not lose sight of the fact that the very benefit which the benign Government intended to bestow on retired military and other officers and the peasantry, who have forsaken their ancestral homes for better prospects on the colony, be frustrated by frequent resumptions. The tenants as a class, the moment they are evicted on default of payment of Government dues, will naturally smart under a sense of wrong, which state of affairs is farthest from the motives of Government.

"With regard to clause 25, my Hon'ble friend MR. DOIUE has proposed an amendment which is intended to diminish the possibility of the harassment of tenant on paltry grounds, but the amendment is too vague and general to prevent the mischief intended to be avoided. I would suggest that lopping the twigs or leaves of a tree should not be made an offence, and the interests of Government will be amply protected if sub-clause (*d*) were to run as follows:—

'fells or destroys a tree.'

According to the amendment I have ventured to suggest, tenants shall be able when they are in need of small wood pieces for agricultural purposes to make use of the trees in a manner not permanently destructive of them. I may note in passing that in the majority of cases trees on occupancy holdings of private individuals are partially made use of by occupancy tenants for agricultural purposes, without the property in the trees being detrimentally affected. A rule approaching to this practice would be the best rule between the Government and its tenants.

"Coming now to clauses 32 and 33, the combined effect of these two clauses appears to me to divest Civil Courts of all jurisdiction regarding the working of the Bill under discussion. Not only are the Collector and Local Government exempted from all jurisdiction of the Civil Courts, but the protection has been extended to *every* public servant and for *anything* done by him in good faith. Statutory powers exercisable under various statutes by public officers are generally subject to correction by the Civil Courts if the actions of such public officials are beyond the scope of their powers conferred by a particular enactment, or are proved to be oppressive, grossly negligent or unreasonable. The present Bill goes very much further; it gives immunity to every public servant for anything done by him in good faith. The clause 33 as at present worded introduces, however, the words 'good faith,' the definition of which has to be sought for elsewhere in other enactments. When we remember that the Crown has allowed itself to be subjected (excepting Acts of State) to the jurisdiction of its own Courts, there does not seem to be any reason why in a matter not of public interest, but of its proprietary interests and in its relations towards its own tenants, the Civil Courts should be deprived of all jurisdiction whatever.

"I cannot conclude this without premi ently drawing the attention of the Council to the political aspect of the proposed measure. It scarcely requires any demonstration to prove that in opening out the barren tracts of land which for centuries had lain waste, the Government had in view the material prosperity of its subjects. So many congested areas of the Punjab have been relieved; so many deserving zamíndárs and Government officials have been rewarded for their meritorious services; so many wayward and the unemployed have found useful and lucrative employment The whole agricultural community has appreciated the boon conferred upon them. They are fully alive to the solicitous care the paternal Government takes of them by adopting various methods to protect them and by devising so many plans for their material prosperity The same community out of which our Indian Army is mainly recruited is labouring under a sense of gratitude and displays every readiness to assist Government with their hearts and souls. The retired military officers and others found in the land awarded to them a generous recompense for their labours. That to allow this community which is the backbone of the Indian Empire to entertain an impression that the Government is going to back out of their contract would be highly impolitic and inexpedient.

"To conclude, I would summarise my suggestions briefly to the effect that the Bill should not have a retrospective effect with regard to the tenancies and tenures prior to the Bill; that the rules of succession extant with regard to other property rights should not be deviated from concerning land acquired from Government; that the tenants should have the satisfaction of holding on as near as possible as other tenants of private landlords, *viz*, tenancies and tenures should not be forfeited for mere default of payment of dues; and, lastly, that, in order to ensure the proper working of the proposed enactment, the Civil Courts should possess some sort of jurisdiction. I would, moreover, suggest that the Bill be referred again to the Select Committee for reconsideration with a suggestion to consult public bodies and principal persons of light and leading on the Colonies to avoid misapprehensions which the Bill as it now stands is calculated to create, and to dispel all possible impressions that the Government means to commit a breach of faith, with regard to contracts entered into prior to the Bill."

The Hon'ble SIR DAVID MASSON said:—"I desire to say that I came to this Meeting of the Council with a feeling of considerable apprehension and misgiving. It was brought home to me, in many ways, that this Bill had evoked strong opposition, and I came here quite prepared to vote against its being passed to-day if it appeared that the reasons for that opposition had not been fully considered. After listening to the clear

and ample statement of the Hon'ble MR. DOUIE I felt quite re-assured, and I would not support the motion of the Hon'ble MALIK UMAR HAYAT KHAN that the Bill should not be taken into consideration. Nothing that has been said by the Hon'ble SARDAR PARTAB SINGH alters my decision, nor do I share the feelings of regret with which he would still apparently regard the passing of the Bill. On the contrary, it would appear to me a matter of regret if the Bill were not passed into law before the Hon'ble PRESIDENT gave up the reins of Government in this province. I cannot speak with the Hon'ble Member's authority on behalf of the zamíndárs, but it seems to me that all their reasonable objections have been liberally met, and I am confident that the amendments of to-day will remove all valid objections to the Bill."

His Honour the PRESIDENT said :—"I did not know until now that any objection would be raised to this motion, and I cannot agree that the consideration of this Bill should be postponed. All Hon'ble Members will, I am sure, agree that in the interests of the colonists themselves an enactment of some kind is needed, to regulate their relations with Government and to provide for the proper administration of the colonies. The Hon'ble Member in charge of the Bill has pointed out what care has been taken in preparing the present measure : it has twice been submitted to and considered by the Government of India and the Secretary of State ; it was introduced into this Council four months ago ; and the very large number of memorials, representations, and resolutions submitted to us shows that every one has had ample time to consider and criticize its provisions. Lastly, I myself have very carefully made a final study of the Bill with the Hon'ble Member in charge, and we have carefully considered the criticisms submitted, with the result that the more stringent provisions of the Bill have been in many directions relaxed and a number of concessions have been granted as will be seen from the amendments on the List of Business. No doubt some uneasiness has been created in respect of this Bill, but for this very reason it seems to me that it should be passed as soon as possible, and I have little doubt that, when it has become law and its effects in working are seen and understood, all such uneasiness will pass away."

The Council divided—

Ayes—4.	*Noes*—3.
The Hon'ble MR. S. FINNEY.	The Hon'ble MALIK UMAR HAYAT KHAN.
The Hon'ble SIR DAVID MASSON.	The Hon'ble THAKUR MAHAN CHAND.
The Hon'ble MR. J. M. DOUIE.	The Hon'ble SARDAR PARTAP SINGH.
The Hon'ble MR. GORDON WALKER.	

So the motion was agreed to.

The Hon'ble MR. DOUIE moved that in clause 8 after the words 'Any person who' the words 'at any time' be inserted. He said :—"There appears to be some ambiguity in the wording of clause 8, for I find that the Zamíndárs' Association of Lahore thinks that it does not apply to persons who were once tenants, but have become owners. The remarks I have already addressed to you will show that we are prepared to limit very considerably the retrospective action of the Bill so far as owners are concerned. But we consider that in one respect at least we must assert it. I refer to the power we take in clause 23, which enacts that no tenant or owner shall, without the consent in writing of the Collector, erect any building for human habitation upon any land lying outside the limits of the area reserved as a village homestead. I have already stated that in the past the power has been generally exercised, though it is not contained in many statements of conditions. We attach too much importance to the maintenance of well ordered villages to give up this power. And to make it plain that we have it, I propose to insert the

words 'at any time' between 'who' and 'before the commencement of the Act' in the first line of clause 8 In all discussions about the Bill section 23 have been treated as having retrospective effect."

The motion was put and agreed to.

The Hon'ble MALIK UMAR HAYAT KHAN moved that the last eleven words of clause 8 be omitted He said:—"Your Honour, though it is not clear whether the word 'tenant' in section 8 includes those tenants who may have acquired rights of occupancy before the Act comes into force, yet it seems to me that such tenants are intended to be included in the term 'tenant' as used in the section If I am right in entertaining this opinion I think the section requires further consideration. Rights acquired previous to the passing of the Act should be interfered with as little as possible. To such tenants only those supplementary provisions should be applied which do not place them in condition worse than they were in under their original contracts This being so, I would have wished that the provision in the enactment should have been so worded that they should not have retrospective effect unless the nature of the provision was such that it could not work hardship on previous grantees. I would therefore suggest that the wording of the section be changed in such a manner that its provisions may not have the said effect.

"I therefore beg to propose that clause 8 of the Bill be amended by the omission of the last eleven words thereof, so as to attain the desired effect."

The Hon'ble THAKUR MAHAN CHAND moved that in clause 8 after the words 'expressly provided by' the words 'section 16 of' be inserted. He said:—"I think the clause 8 of the Bill requires full consideration before the Bill is passed into law. It is clear that other clauses will deal with the tenancies granted after the commencement of this Act, but contrary to the general principle of the proposed law the concluding words of section 8 are retrospective. There is no reason why the words are inserted in the clause to make whole of the Act to have retrospective effect. It is certainly against the fundamental principle of justice and equity to bind persons to accept the conditions of which they were not aware and to which they never gave their consent Is it not illegal if a landlord, whether it may be a private individual or Government itself, makes any addition to the conditions of a mutual agreement (*vide* section 6 of Act III of 1893) in the absence and without the consent of his tenant? The clause thus providing that 'notwithstanding any previous agreement,' and even without obtaining their consent, the tenants shall be deemed to have accepted all the supplemented conditions does not appear to be in accordance with the general principles of law. It does not matter whether the alterations intended to be made will be useful or otherwise; it will be still wrong in principle to do so without the consent of the parties concerned. It is just possible that the provisions of this Act or the rules framed hereinafter under it may not suit the tenants already in actual possession of the land In such a case they will be placed in a worse position than the new-comers who will have a choice to accept or refuse the tenancy on new conditions, while the old tenants will have no alternative. Apparently there seems to be no necessity of making the Act retrospective on the holdings of old tenants. If it aims to restrict the power of alienation of the tenants or to bring them under a special rule of succession, I think the Land Alienation Act and the ordinary customary law of the province are quite sufficient to restrict their power of transferring their rights. The rules of succession are already given in full details in the Punjab Tenancy Act, XVI of 1887.

"The creation of clause 16 in the Bill now fulfils the desire of restricting the power of willing and making exchanges of the tenants which was wanting in section 8 of Act III of 1893, and this express provision makes it absolutely necessary that the general retrospective effect of clause 8 of this Bill be altogether removed.

"As a rule even the slightest alteration is objectionable, but as there already exist certain conditions restricting the power of sale, gift and mortgage by tenants even under the old Act which was applicable to their holdings, it may not be of so much consequence if the power of willing and exchanging of the tenants is also restricted to certain extent. For these reasons I propose that clause 8 of the Bill, if could not altogether be removed, be amended in the manner indicated at the commencement of my speech."

The Hon'ble MR. DOUIE said:—"I am unable to advise the Council to accept the amendments proposed by my Hon'ble colleagues, which cover very much the same ground. I think the explanations I have given to-day and the remarks I made in proposing my own amendment to clause 8 make it clear why this is the case. My Hon'ble friend says:—'There is no reason why the words are inserted in the clause to make the *whole* of the Act to have retrospective effect.' I have signally failed in my attempt to explain the Bill if any one now thinks that the words objected to have that effect now or ever had it. The Select Committee introduced an amendment which has restricted the retrospective action of the Bill. There are on the agenda notices of amendment to be proposed by the Hon'ble Member and by myself, which, if accepted, will restrict it still further. But for the reasons I have already given I am not prepared to advise the Council to refrain from taking the full powers given by sections 23 and 28 of the Act. I have pointed out that many grantees will benefit largely by the relaxation of their conditions. If owners are to be required to comply with a provision as to the place where they may build their houses which is not in the statements of conditions, we intend to exempt them for their existing liability to ejectment without compensation for unpunctuality in paying Government charges."

Both the above amendments proposed by the Hon'ble MALIK UMAR HAYAT KHAN and the Hon'ble THAKUR MAHAN CHAND respectively were separately put to the Council and declared lost.

The Hon'ble MR. DOUIE said:—"The amendments I have now to propose to clause 16 are very important and relax the original provisions of the Bill. It is convenient, indeed necessary, to take them together, for I could only propose the first on the understanding that the second will also be accepted. The Select Committee amended the 16th clause of the Bill by increasing the period for which tenants could sublet from one to two years. But it made no distinction between tenants who had no permanent rights and tenants who had acquired a right of occupancy. I think that is a distinction that may very well be made. I therefore propose that a tenant who has earned no permanent right by fulfilling the conditions of his tenancy shall be debarred from subletting for more than one year, but that an occupancy tenant shall be allowed to sublet for seven years, the period permitted to ordinary occupancy tenants of private owners by section 58 of the Punjab Tenancy Act. I am sure my Hon'ble friend MALIK UMAR HAYAT KHAN, who is an occupancy tenant of a very large area of land on the Jhelum Canal, will think this a very substantial concession.

"The difficulty we have always felt about subletting is that the whole object of our colony schemes is to have a resident tenantry. It is necessary therefore to couple this liberal extension of the power of subletting with an express proviso that it shall not effect the obligation of the tenant of the State to reside on the land. If we did not do this, many existing grantees would hurry back to their original homes, and the colonies would see them no more. I move that in clause 16 for the words 'two years' the following be substituted:—

> 'one year in the case of a tenant who has not acquired a right of occupancy or ownership and seven years in the case of a tenant who has acquired a right of occupancy'

and that the following proviso be added :—

'Provided that the right of subletting conferred by this section shall not release any tenant from a condition requiring him to reside in the estate in which his tenancy is situated'

and that after the word 'provided' in the present proviso to this clause the word 'further' be inserted."

The motion was put and agreed to.

The Hon'ble THAKUR MAHAN CHAND said :—"There appears to be some confusion in the contents of clauses 20 and 21. In sub-clause (2) of clause 20 the Collector is stated to allot site to the transferee of a land in a village 'if available,' and in sub-clauses (2) and (3) of clause 21 he is required to resume possession of the whole or part of the sites allotted for building purposes from those who have transferred their lands. The words 'if available' in sub-clause (2) of clause 20 seem to be unnecessary when it is evident that the site vacated by the vendor under sub-clause (3) of clause 21 will be available for the allotment to the purchaser.

"To ask the vendor to remove the materials and vacate the site on the one hand, and to allot a new site to the vendee for buildings on the other hand, will simply be waste of money and will cause much inconvenience to both. In order to avoid such a troublesome and vexatious procedure, I think it will be better if the vendor be allowed to transfer his rights in whole or part of the buildings on the site along with his land. The sub clause (3) of clause 20 is sufficient to safeguard the rights of the Government to the building sites whether they are occupied by one or the other I therefore move the following amendments in clauses 20 and 21 :—

"(1) that in sub-clause (2) of clause 20 for the last sixteen words thereof the following be substituted :—

'he shall be at liberty to transfer also his rights in the whole or part of his buildings on the site for the habitation of the transferee':

"(2) that in sub-clause (3) of the clause 20 after the word 'allotted the words 'and occupied' be inserted :

"(3) that sub-clause (3) of clause 21 be omitted."

The Hon'ble MR. DOUIE said :— "I cannot advise the acceptance of these amendments to clauses 20 and 21. The effect of the amendments made by the Select Committee is this that, supposing a grantee makes a valid transfer to *A* of say one-half of his land, the Collector may, without disturbing the vendor, give *A* a vacant building site, if such be available. It might be very awkward sometimes for the vendor to have to surrender any part of the site on which his house, &c., stands. But as he got it in respect of a grant of say 100 acres, and he has chosen to part with 50 acres, the Collector may, if he thinks fit, require him to give up half his site and may hand that over to the vendee. The site belongs to the State, and the vendor cannot sell that. And seeing that section 21 is not retrospective grantees in existing colonies have not a *right* to hold their building sites rent free, and all they can transfer is the material of their houses. It is not the case, as stated by my Hon'ble friend, that in the event of a transfer of agricultural land the Collector is *required* to resume possession of the whole or part of the vendor's building site. All that the clause says is that he may do so. I do not understand the object of adding 'and occupied' after the word 'allotted' in sub-clause (3) of clause 20."

The amendments moved were put to the Council and declared lost.

The Hon'ble MR. DOUIE moved that clause 23 be renumbered 23 (1), and that for the words "of a village homestead or town" the words "of the area reserved as Government property for a village homestead or town" be substituted.

He said:—"That is a restrictive and explanatory amendment. It will show that where, as on yeoman and capitalist allotments on the Rakh Branch, no such area has been reserved, we claim no right of interference."

The Hon'ble MALIK UMAR HAYAT KHAN said:—"On the amendment of clause 23 I would like to say that the substitution of the words 'areas reserved as Government property' should not apply to those areas of land which are or have been allotted to zamíndárs, &c., on account the money paid by them or otherwise acquired by them."

The motion was put and agreed to.

The Hon'ble MR. DOUIE said:—"At present the means of enforcing the provisions of section 23 have to be sought for in clauses 25 and 26. The result is that clause 25 is a very awkward bit of drafting. I think too that only a mild penalty is required for a breach of the provisions of clause 23, and that it will be well to include in one clause both the prohibition and the means of enforcing it. I therefore move that a second sub clause to the following effect be added to clause 23:—

'(2) If a tenant or owner erects any building in contravention of the provisions of sub-section (1), the Collector may cause such building to be demolished and levy the costs of so doing from the said tenant or owner, and the said tenant or owner shall likewise be liable on conviction by a Magistrate to be punished with fine not exceeding fifty rupees.'

This contains nothing not at present contained in clauses 25 and 26 except that the penalty of imprisonment is struck out and the fine is reduced. I would ask Hon'ble Members to compare these provisions with those of sections 92, 93, and 145 of the Punjab Municipalities Act, XX of 1891."

The motion was put and agreed to.

The Hon'ble MR. DOUIE:—"The provisions of clause 24 are of a stringent nature. I find that when the Rakh Branch colonization was started the provision that a breach of conditions would make the grant liable to confiscation was only intended to remain in operation till permanent rights were acquired. This is expressly stated in the form of application for peasant grants issued at the time. A long period elapsed, as I have already stated, before the statement of conditions under Act III of 1893 was finally issued. These Rakh Branch grantees signed the registers long after they had received their grants. I think in the circumstances it is well not to take advantage of a somewhat stringent condition in the statements finally sanctioned for peasant grantees on twelvth August 1896 and for yeoman and capitatist grantees on thirteenth July 1897. I therefore move that the following proviso be added to clause 24:—

'Provided further that in the case of land irrigated by the Rakh and Mián Ali Branches of the Chenab Canal sub-sections (2) and (3) shall not apply to a tenant to whom land was allotted before the twelvth day of August 1896, and who has been granted a right of occupancy therein, and sub-section (2) shall not apply to an owner to whom land was allotted as a tenant before the thirteenth day of July 1897.'"

The motion was put and agreed to.

The Hon'ble MR. DOUIE:—"The first amendment which I move to clause 25 is that for the last twenty-four words, namely, 'lops, taps, or burns any tree standing on any such land, or strips off the bark or leaves from, or otherwise damages, the same' the following words be substituted 'or otherwise wilfully damages any tree standing on any such land.' The original wording is taken from the Forest Act and is unfortunate, for it might well lead, and has led, people to think that Government intended to be very strict to mark petty misdemeanours, and

might give underlings a handle for extortion. Sub-clause 25 (1) (*d*) will, if my amendment is accepted, run 'fells, girdles, or otherwise wilfully damages any tree standing on any such land.' "

The motion was put and agreed to.

The Hon'ble MR. DOUIE :—" I have proposed, and the Council has agreed to remove breaches of clause 23 entirely from this section. I now move that section 25 shall consist of a single clause, that the words ' any tenant or owner who erects a building in contravention of section 23 ' shall be cut out, and that the next part of the clause shall run—' shall be punished on conviction by a Magistrate with fine not exceeding two hundred rupees. '

" I think the punishment of imprisonment may be given up, and that in the amended clause and clause 26 we shall still have sufficient power to repress the misdemeanours detailed in clause 25.

" The words ' nothing in this section shall be deemed to prohibit any act done in accordance with the conditions of a tenancy or by the permission of the Collector or of any officer of Government duly authorised in this behalf ' will stand as at present. "

The motion was put and agreed to.

The Hon'ble MR. DOUIE :—" In clause 26 (*b*) I move the omission of the words ' or sub-section (2)' and between the letters '(*c*)' and '(*e*)' the word 'or' be Inserted. This is a necessary result of the amendment which the Council has just accepted."

The motion was put and agreed to.

The Hon'ble MR. DOUIE :—" Section 9 of Act III of 1893, the law we are now repealing, provides that ' all sums due to Government in respect of a tenancy granted in pursuance of this Act shall be recoverable as if they were arrears of land revenue. ' By a curious omission clause 27 as drafted only applies to sums recoverable under the present Bill. It seems hardly necessary to say anything to justify the insertion after ' due to Government ' of the words ' in respect of a tenancy granted in pursuance of the Government Tenants (Punjab) Act, III of 1893. ' I move that they be inserted with the necessary addition of the word ' or. ' That will be merely to maintain the existing law. "

The motion was put and agreed to.

The Hon'ble THAKUR MAHAN CHAND :—" It seems to be an unnecessary interference with the rights of owners to make restrictions for the planting of certain number of trees in their holdings.

" There is an amendment proposed to withdraw the interference in the case of auction purchasers ; then there is no reason why the other owners who have acquired proprietary rights by one way or other should not also be exempted from the effect of the clause, so I propose that in clause 28 (1) (*d*) the words ' and owners ' be omitted. "

The Hon'ble MR. DOUIE :—" In the matter of trees I do not think we need insist on the power of making rules requiring the planting of a certain number by men who have acquired, or can acquire, ownership in existing grants. In the Chenab Colony men have acquired, or may acquire, ownership in well over 200,000 acres, but after all that is but a small part of the huge area which the colony contains. I advise that the amendment of my Hon'ble friend be accepted if he will confine its scope to existing owners and existing grantees who may, under the conditions of their grants, acquire ownership. I think Government should have full power in future colonies to require persons to whom it permits the acquisition of ownership to plant and maintain a certain number of trees on their holdings. I would suggest that the words ' and owners ' be left in sub-clause (*d*), but that

we should add to the proviso the following words :—

'and further that rules under clause (*d*) shall not apply to tenants who, before the commencement of this Act, have acquired ownership or have been allotted land as tenants on conditions that permit them to acquire ownership.'

If this is accepted, I shall withdraw the amendment to sub-clause (*1*) (*d*) that stands in my name."

On this the Hon'ble THAKUR MAHAN CHAND, with the permission of His Honour the President, withdrew his amendment, and moved that the following be added to the proviso to clause 28 (1) :—

"and further that rules under clause (*d*) shall not apply to tenants who, before the commencement of this Act, have acquired ownership or have been allotted land as tenants on conditions that permit them to acquire ownership."

On the motion being put and agreed to, the Hon'ble MR. DOUIE, with the permission of His Honour the President, withdrew the amendment that stood in his name.

The Hon'ble MR. DOUIE :—"It seems to have been supposed that under the proviso to clause 28 (1) Government would require a grantee to plant two trees on every acre included in his grant. That is certainly not our object. Trees would naturally be planted in a line along the water-course which serves the square or in a clump in one corner of it. To make this plain I move to substitute for the words 'the number of trees of which the planting is ordered by rules under clause (*d*) shall not exceed two for each acre' the words 'the rules shall not require the planting of a larger number of trees in a holding than twice the number of acres included therein.'"

The motion was put and agreed to.

The Hon'ble MR. DOUIE :—"In clause 28 (2) I move to substitute 'fifty rupees' for 'one hundred rupees,' and to strike out the words 'or imprisonment for a period not exceeding one month.' That is in accordance with the policy of limiting the penal powers for which we ask as much as possible."

The motion was put and agreed to.

The Hon'ble MR. DOUIE moved that the Bill as amended be passed.

The Hon'ble MALIK UMAR HAYAT KHAN said:—"Your Honour, I now beg permission to make a few general observations. The Bill has caused a great deal of sensation in the province. It may be said that it is mostly due to its being introduced at a time when there is an over-tendency to criticize Government measures. Nevertheless, I am of opinion that we should guard, as much as possible, against misunderstandings. Somehow or other an idea has been created that the Government is going to curtail vested rights. I believe this is far from the intentions of the Government. This being so, I would have wished that the enactment should have been so worded that it should not have retrospective effect unless the nature of the Bill was such that it could not work hardship on previous grantees. At the meetings of the Sub-Committee my Hon'ble colleagues and I suggested some amendments, most of which were accepted. But the sections to which I have to-day taken objection were left intact. I regret that I cannot approve of any of those provisions of the Bill which will interfere with vested rights. It is apprehended by a large number of persons that tenants having right to acquire proprietary titles under the conditions of their leases might be subjected to new conditions taking away that right of acquiring ownership.

"Tenants and owners feel that the powers of re-entry given to the Collector are too severe, and I should have preferred to see the Bill so drafted as to provide that other and less stringent remedies should be resorted to first,

in the case of tenants; and that this power should not be exercised at all in the case of owners unless it was provided in their original agreements.

"I also consider that these provisions are open to objection as likely to retard the development and large future schemes of colonization."

The Hon'ble SARDAR PARTAP SINGH said:—"I again take the liberty of respectfully pointing out that the feeling against the Bill is very strong amongst the agricultural classes, and I think it would have been wiser in every way to postpone the final passing of the Bill. This would give time to the public to think over the Bill as it is now after all the amendments that have been made in it to-day. As a whole the Bill has certainly improved. I would not have urged the postponement had I not considered it my duty to do so as a loyal subject of His Majesty.

"As the motion for postponing the reconsideration of the Bill has not been accepted and as most of the serious objections have been up to a certain extent modified, I have no alternative left but to reluctantly vote for the passing of the Bill."

The motion was put and the Council divided—

Ayes—6.	*Noes*—1.
The Hon'ble THAKUR MAHAN CHAND.	The Hon'ble MALIK UMAR HAYAT KHAN.
The Hon'ble SARDAR PARTAP SINGH.	
The Hon'ble MR. STEPHEN FINNEY.	
The Hon'ble SIR DAVID MASSON.	
The Hon'ble MR. J. M. DOUIE.	
The Hon'ble MR. GORDON WALKER.	

So the motion was agreed to.

The Hon'ble SARDAR PARTAP SINGH in a few words of farewell wished His Honour the President on behalf of Council good-bye and God-speed.

His Honour the PRESIDENT addressed the Council. He said:—"As this is the last time that I shall have the honour of presiding over a meeting of this Council, I should like to make a few farewell remarks before we separate. At our first meeting after I assumed charge of my present post I said that I hoped my tenure of office would be characterized by a satisfactory outturn of sound and solid, but unostentatious and unsensational, legislation. I think I may fairly claim that this hope has been realized. During the past five years 14 new enactments, including the Bill we have passed to-day, have been added to our Provincial Statute Book. Of these, one was a special and temporary measure dealing with matters connected with the Coronation Darbár which was held at Delhi in January 1903, but the rest of this legislation will, I trust, prove to be of permanent utility and benefit to the people of this province, and some of these enactments, such as the Court of Wards Act, the Minor Canals Act, and the Pre-emption Act, are measures of very significant importance and value. Only three of the Acts we have made during my term of office have, as far as I recollect, given rise to any difference of opinion during their passage through our Council. One of these was the Loans Limitation Act which has extended the period of limitation for ordinary money claims from 3 to 6 years, and as regards this enactment I am able to say that, as far as can be seen at present after nearly 3 years' experience of its working, it is fulfilling its main object of diminishing litigation between money-lenders and their agricultural debtors by providing greater facilities for the private settlement of such cases. The other Acts which have evoked criticism on some of their provisions are the Colonies Bill which we have just passed into law after introducing some important modifications into it, and the amendment of the Land Alienation Act which we passed a week ago. As regards the former of these enactments, I have full confidence that experience of its working will show that while strengthening the

hands of the officers who are responsib'e. for the administration of the Canal Colonies to the extent necessary to enable them to discharge their important duties effectively, its provisions are in no way detrimental, but on the contrary really beneficial, to the true interests of the colonists themselves. And as regards the amendment of the Land Alienation Act of 1900, the abolition of the statutory agriculturist, to which the Hon'ble THAKAR MAHAN CHAND objected, is, as was fully explained when the Bill was discussed, essential to the carrying out of the full policy of the Act. Gentlemen, I much regret that the time has come for me to bid you farewell, and I wish you all success in your future legislative labours."

ADJOURNMENT.

The Council adjourned *sine die.*

LAHORE: S. M. ROBINSON,

The 28th February 1907. *Secretary, Legislative Council, Punjab.*

Punjab Goverment Press, Lahore—7-3-07—866.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, MAY 9, 1907.

PART V.

Acts of the Lieutenant-Governor of the Punjab in Council which have received the assent of His Excellency the Viceroy and Governor-General in Council.

PUNJAB GOVERNMENT.

LEGISLATIVE DEPARTMENT.

[First publication.]

PUNJAB ACT No. I OF 1907.

PASSED BY THE LIEUTENANT-GOVERNOR OF THE PUNJAB IN COUNCIL.

(Received the assent of His Honour the Lieutenant-Governor on the 28th February 1907, and that of His Excellency the Viceroy and Governor-General on the 28th March 1907; the Governor-General's assent was first published in the "Punjab Gazette" of the 9th May 1907.)

THE PUNJAB ALIENATION OF LAND AMENDMENT ACT, 1907.

An Act to amend the Punjab Alienation of Land Act, 1900.

Preamble.

WHEREAS it is expedient to amend the Punjab Alienation of Land Act, 1900;

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Punjab Alienation of Land Amendment Act, 1907; and

(2) It shall come into force at once.

Partial repeal and amendment of section 2, Act XIII of 1900.

2. (1) Sub-section (1) of section 2 of the said Act and the provisos thereto are hereby repealed.

(2) To sub-section (3) of section 2 the following shall be added, namely:—

"(f) any right of occupancy:"

(3) For sub-section (4) of section 2 the following shall be substituted, namely:—

"(4) the expression 'permanent alienation' includes sales, exchanges, gifts, wills and grants of occupancy rights:"

Addition of new section to Act XIII of 1900.

3. After section 2 of the said Act the following is inserted, namely:—

Application of Act to sections 53 and 54, Act XVI, 1887.

"2-A. Notwithstanding anything contained in sections 53 and 54 of the Punjab Tenancy Act, 1887, when a landlord makes a claim to exercise the rights thereby conferred upon him the provisions of this Act shall apply thereto." India Act XVI of 1887.

Partial repeal and amendment of section 3, Act XIII of 1900.

4. (1) Clause (b) and the proviso to section 3, sub-section (1), of the said Act are hereby repealed.

(2) For the proviso to section 3, sub-section (2), the following shall be substituted, namely :—

"Provided that—

(1) sanction may be given after the act of alienation is otherwise completed; and

(2) sanction shall not be necessary in the case of—

(a) a sale of a right of occupancy by a tenant to his landlord, or

(b) a gift made in good faith for a religious or charitable purpose, whether *inter vivos* or by will."

Repeal.

5. The words "published with the previous sanction of the Governor General in Council" in section 4 of the said Act are hereby repealed.

Addition to section 6, Act XIII of 1900.

6. After sub-section (2) to section 6 of the said Act the following sub-section shall be inserted, namely :—

"(3) The Deputy Commissioner, if he accepts the application of a mortgagee under sub-section (1) (b), shall have power to eject the mortgagor, and as against the mortgagor to place the mortgagee in possession."

Addition to section 7, Act XIII of 1900.

7. After sub-section (4) to section 7 of the said Act, the following sub-section shall be inserted, namely :—

"(5) if a mortgagor who has applied to the Deputy Commissioner under sub-section (3) proves to the satisfaction of the Deputy Commissioner that he has paid the mortgage-debt or such proportion of the mortgage-debt as the Deputy Commissioner has determined to be equitable, or deposits with the Deputy Commissioner the amount of such mortgage-debt or of such proportion thereof, the redemption of the land shall be deemed to have taken place, and the Deputy Commissioner shall have power to eject the mortgagee, if in possession, and as against the mortgagee to place the mortgagor in possession."

Addition to section 9, Act XIII of 1900.

8. After sub-section (3) to section 9 of the said Act the following sub-section shall be inserted, namely :—

"(4) When a mortgagee put to his election under sub-section (2) agrees to accept in lieu of his mortgage a mortgage in form (a) or in form (b) as permitted by section 6 for the period and for the sum of money considered by the Deputy Commissioner to be reasonable, and the mortgagor cannot be found, or fails to appear when duly served with notice to do so, or refuses or neglects to execute such mortgage, the Deputy Commissioner shall have authority to execute such mortgage on such terms as to costs as he may fix, and the mortgage so executed shall have effect as if it had been executed by the mortgagor. The Deputy Commissioner may for any reason which he deems sufficient set aside any *ex-parte* proceedings taken under this sub-section."

Addition of sections after section 21, Act XIII of 1900.

9. After section 21 of the said Act the following sections shall be added, namely :— India Act XIV of 1882.

Civil Court to send copy of decree or order to Deputy Commissioner.

"21-A. (1) Notwithstanding anything contained in the Code of Civil Procedure or in any other Act for the time being in force, every Civil Court which passes a decree or order involving (1) the permanent alienation of his land by a member of an agricultural tribe, or (2) the mortgage by a member of an agricultural tribe of his land when the mortgagee is not a member of the same tribe or of a tribe in the same group, shall send to the Deputy Commissioner a copy of such decree or order.

Action to be taken by Deputy Commissioner when decree or order passed contrary to Act.

"(2) When it appears to the Deputy Commissioner that any Civil Court has, either before or after the date when this section comes into operation, passed a decree or order contrary to any of the provisions of this Act, the Deputy Commissioner may apply for the revision of such decree or order to the Court, if any, to which an appeal would lie from such decree or order or in which an appeal could have been instituted at the time when the decree or order was passed, or in any other case to the Chief Court. And when the Court finds that such decree or order is contrary to any of the provisions of this Act it shall alter it so as to make it consistent with this Act.

Such application shall be made within two months of the date upon which the Deputy Commissioner is informed of such decree or order.

"(3) When any such appellate Court passes an order rejecting such application the Deputy Commissioner may, within two months after the date upon which he is informed of such order, apply to the Chief Court for revision thereof.

"(4) Every Civil Court which passes an order on any application made under this section shall forthwith send a copy thereof to the Deputy Commissioner.

"(5) No stamp shall be required upon such applications, and the provisions of the Code of Civil Procedure as regards appeals shall apply so far as may be to the procedure of the Court on receipt of such application. India Act XIV of 1882.

"Provided that no appearance by or on behalf of the Deputy Commissioner shall be deemed necessary for the disposal of the application."

A. B. KETTLEWELL,

Secy. to Govt., Punjab,
Legislative Department.

PUNJAB GOVERNMENT.

LEGISLATIVE DEPARTMENT.

[First publication.]

PUNJAB ACT No. II OF 1907.

PASSED BY THE LIEUTENANT-GOVERNOR OF THE PUNJAB IN COUNCIL.

(Received the assent of His Honour the Lieutenant-Governor on the 28th February 1907, and that of His Excellency the Viceroy and Governor-General on the 13th April 1907; the Governor-General's assent was first published in the "Punjab Gazette" of the 9th May 1907.)

THE PUNJAB MOTOR VEHICLES ACT, 1907.

An Act to regulate the use of motor vehicles in the Punjab.

Preamble. WHEREAS it is expedient to regulate the use of motor vehicles in the Punjab;

It is hereby enacted as follows:—

Short title. 1. (1) This Act may be called the Punjab Motor Vehicles Act, 1907.

Extent. (2) It shall extend to the whole of the Punjab.

Definition. (3) "Motor vehicles" includes all vehicles, carriages or other means of conveyance, propelled by mechanical means on ordinary roads, but does not include a vehicle drawn by a motor vehicle.

Driving without license. 2. (1) Whoever drives a motor vehicle without a license granted for the purpose under sub-section (2), or under any enactment other than this Act in force for the time being in any part of British India, or of the United Kingdom of Great Britain and Ireland, or employs to drive a motor vehicle any person who is not so licensed, may on conviction be punished with fine which may extend to fifty rupees, or in the case of a second or subsequent conviction, to one hundred rupees.

Grant of license. (2) A license to drive a motor vehicle may be granted by the District Magistrate or by an officer authorized by him in this behalf, on payment of a fee calculated at the rate of two rupees per annum to any person over the age of eighteen years applying for it, who is not disqualified under section 8, and shall be in such form and subject to such general or special conditions as the Local Government may by rule made under this Act prescribe.

Duration and renewal of license. 3. Every license granted under this Act shall remain in force for such period not less than one or more than five years from the date on which it is granted as the District Magistrate or any officer authorized by him to grant licenses may in each case prescribe, but shall be renewable, and the same provisions shall apply to the renewal of the license as apply to the grant thereof.

Production of license. 4. The driver of a motor vehicle shall produce his license upon demand by any police officer above the rank of constable.

License not transferable. 5. The holder of a license shall not lend it to, nor allow it to be used by, any other person.

Reckless driving. 6. Whoever drives a motor vehicle recklessly or negligently, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road, and to the amount of traffic which actually is at the time, or which might reasonably be expected to be, on the road, may on conviction be punished with fine which may extend to one hundred rupees, or, in the case of a second or subsequent conviction, to two hundred rupees.

Duty to stop in case of accident. 7. (1) Where any accident occurs to any person whether on foot, on horseback, or in a vehicle or to any horse or vehicle in charge of any person, owing to the presence of a motor vehicle on the road, whoever is in charge of such motor vehicle shall stop it for a reasonable time, and, if required, give his name and address, and also the name and address of the owner of such motor vehicle.

Penalty. (2) Any voluntary breach of sub-section (1) may on conviction be punished with fine which may extend to fifty rupees, or, in the case of a second or subsequent conviction, to one hundred rupees.

Suspension and disqualifications. 8. (1) Any Magistrate by whom any person is convicted of an offence under this Act, or of any offence in connection with the driving of a motor vehicle,

(a) where the person convicted holds a license to drive a motor vehicle

granted or renewed under this Act or granted under any enactment other than this Act in force for the time being in any part of British India, or of the United Kingdom of Great Britain and Ireland,

(*i*) may suspend such license for such time as he thinks fit, and may also declare such person disqualified for obtaining a license for such further time after the expiration thereof as he thinks fit, and

(*ii*) shall cause particulars of the conviction and of any order made under this clause to be endorsed upon such license, and shall also cause a copy of these particulars to be sent to the authority by which such license has been granted,

and

(*b*) where the person convicted does not hold such a license, may declare him disqualified from obtaining a license for such time as he thinks fit.

Production of license for endorsement.

(2) Any person so convicted shall, if he holds such a license, produce it for endorsement within such period as the Magistrate may direct.

Effect of order under sub-section (1).

(3) A license suspended under sub-clause (*i*) of clause (*a*) of sub-section (1) shall during the period of suspension be of no effect, and a person whose license is so suspended, or who is declared, under sub-clause (*i*) of clause (*a*) or under clause (*b*) of sub-section (1), to be disqualified for obtaining a license, shall during the period of suspension or disqualification be disqualified for obtaining a license.

Application by disqualified person.

(4) No person who is disqualified for obtaining a license, shall apply for, or obtain, a license, and no person whose license has been endorsed shall apply for, or obtain, a license without giving particulars of the endorsement; and any license held by a person who is so disqualified shall during the period of disqualification be of no effect.

License held by such person void.

Power of the Local Government to prohibit letting or plying for hire except under permit.

9. (1) The Local Government may, by notification published in the *Punjab Gazette*, prohibit, within any area, or along any road specified in such notification, the letting or plying for hire of any motor vehicle, except under a permit granted by the Local Government, or by such officer, if any, as it may appoint in this behalf, subject to such general or special conditions as the Local Government or such officer may see fit to prescribe.

(2) The grant of any such permit shall be at the absolute discretion of the Local Government or of such officer subject to the control of the Local Government:

Provided that the grant of a permit under sub-section (1) shall not in any way hinder or restrict the grant of another permit to any other person.

Power of Local Government to make rules.

10. (1) The Local Government may, by notification published in the *Punjab Gazette*, make rules to regulate the use of motor vehicles, and may by a like notification direct that any such rule shall apply to the whole or to any part of the Punjab.

(2) In particular and without prejudice to the generality of the foregoing power, the Local Government may make rules under this section containing directions as to all or any of the following matters, namely:

(*a*) the speed at which motor vehicles may be driven,

(*b*) prescribing the form of application under section 2, sub-section (2), and the form of license to be granted under that sub-section,

(*c*) the displaying of numbers or names on motor vehicles, and the registration thereof,

(*d*) prohibiting the driving of motor vehicles or regulating the hours within which motor vehicles may be driven on foot ways, roads, streets, or in hill stations or other places, where their use may be attended with danger to the public; or regulating the hours within which no vehicle other than a motor vehicle shall be driven, on any such foot way, road or street not vested in any municipality, or in any such hill station or other place,

(*e*) the carrying and use of a horn, bell or other instrument on motor vehicles for giving audible and sufficient warning of their approach or position,

(*f*) the carrying of lights on motor vehicles between sunset and sunrise, and the description of such lights and the position in which they should be placed,

(*g*) the stoppage of motor vehicles when required by the police for the regulation of traffic or for other reasonable purpose, and

(*h*) generally the prevention of danger or injury to persons, animals, vehicles or goods, and the prevention of obstruction to traffic.

Local authorities to post notices.

11. Every municipality, cantonment authority and district local board, within their respective areas,

(*a*) shall for the purpose of giving effect to any rule of local application made under section 10, sub-section (*2*), clause (*a*) or (*d*), post notices in conspicuous places on or near the foot way, road, street, or in or near the place to which such rule refers, and

and erect sign posts.

(*b*) may erect sign posts denoting dangerous corners, cross roads and precipitous places, where sign posts appear to them to be necessary.

Breach of section or rule.

12. Any breach of section 4 or 5 or sub-section (*2*) or sub-section (*4*) of section 8, or of any rule made under section 10, may on conviction be punished with fine which may extend to fifty rupees, or, in the case of a second or subsequent conviction, to one hundred rupees:

Provided that no prosecution for a breach of the provisions of section 4 shall be instituted if the driver whose license has been demanded produces the same before a Magistrate within 48 hours of the demand.

Breach of prohibition made, or condition of permit granted, under section 9.

13. Any breach of any prohibition made, or of any condition of any permit granted, under section 9, sub-section (*1*), may on conviction be punished with fine which may extend to two hundred and fifty rupees, or, in the case of a second or subsequent conviction, to five hundred rupees.

Offences by whom triable.

14. Offences under this Act shall be triable by any Magistrate of the first or second class within whose jurisdiction any such offence may have been committed.

Saving of liability.

15. Nothing in this Act shall affect any liability whatever, whether civil or criminal, of the driver or owner of a motor vehicle arising from any other enactment or otherwise.

Previous publication.

16. The power to make rules under section 10, and prohibition under section 9, sub-section (*1*), shall be subject to the condition of previous publication.

Arrest of offenders without warrant.

17. (*1*) Any police officer may, without an order from a Magistrate and without a warrant, arrest any person committing in his view a breach of any rule made under section 10, if the name and residence of such person be unknown to such officer and cannot be ascertained by him then and there.

(*2*) When any such arrest has been made, the provisions of section 57, sub-sections (*2*) and (*3*), and sections 60 to 63 of the Code of Criminal Procedure, 1898, shall apply. India Act V of 1898.

Power of Local Government to exempt certain vehicles from operation of Act.

18. Notwithstanding anything hereinbefore contained, the Local Government may by the publication of a notification exempt, either generally, or for a specified period or in any local area, any particular motor vehicles or classes of motor vehicles from the operation of all or any of the provisions of this Act, and may vary or rescind such notification.

A. B. KETTLEWELL,

Secy. to Govt., Punjab,

Legislative Department.

Punjab Government Press, Lahore—9-5-07—864

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, MAY 16, 1907.

PART V.

Acts of the Lieutenant-Governor of the Punjab in Council which have received the assent of His Excellency the Viceroy and Governor-General in Council.

PUNJAB GOVERNMENT.

LEGISLATIVE DEPARTMENT.

[Second publication.]

PUNJAB ACT NO I OF 1907.

PASSED BY THE LIEUTENANT-GOVERNOR OF THE PUNJAB IN COUNCIL.

(Received the assent of His Honour the Lieutenant-Governor on the 28th February 1907, *and that of His Excellency the Viceroy and Governor-General on the 28th March* 1907; *the Governor-General's assent was first published in the "Punjab Gazette" of the 9th May* 1907.)

THE PUNJAB ALIENATION OF LAND AMENDMENT. ACT, 1907.

An Act to amend the Punjab Alienation of Land Act, 1900.

Preamble.

WHEREAS it is expedient to amend the Punjab Alienation of Land Act, 1900;

It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Punjab Alienation of Land Amendment Act, 1907; and

(*2*) It shall come into force at once.

Partial repeal and amendment of section 2, Act XIII of 1900.

2. (*1*) Sub-section (*1*) of section 2 of the said Act and the provisos thereto are hereby repealed.

(*2*) To sub-section (*3*) of section 2 the following shall be added, namely:—

"(*f*) any right of occupancy:"

(*3*) For sub-section (*4*) of section 2 the following shall be substituted, namely:—

"(*4*) the expression 'permanent alienation' includes sales, exchanges, gifts, wills and grants of occupancy rights:"

Addition of new section to Act XIII of 1900.

3. After section 2 of the said Act the following is inserted, namely:—

Application of Act to sections 53 and 54, Act XVI, 1887.

"2-A. Notwithstanding anything contained in sections 53 and 54 of the Punjab Tenancy Act, 1887, when a landlord makes a claim to exercise the rights thereby conferred upon him the provisions of this Act shall apply thereto." India Act XVI of 1887.

Partial repeal and amendment of section 3, Act XIII of 1900.

4. (*1*) Clause (*b*) and the proviso to section 3, sub-section (*1*), of the said Act are hereby repealed.

(2) For the proviso to section 3, sub-section (2), the following shall be substituted, namely:—

"Provided that—

(1) sanction may be given after the act of alienation is otherwise completed; and

(2) sanction shall not be necessary in the case of—

(a) a sale of a right of occupancy by a tenant to his landlord, or

(b) a gift made in good faith for a religious or charitable purpose, whether *inter vivos* or by will."

Repeal.

5. The words "published with the previous sanction of the Governor General in Council" in section 4 of the said Act are hereby repealed.

Addition to section 6, Act XIII of 1900.

6. After sub-section (2) to section 6 of the said Act the following sub-section shall be inserted, namely:—

"(3) The Deputy Commissioner, if he accepts the application of a mortgagee under sub-section (1) (b), shall have power to eject the mortgagor, and as against the mortgagor to place the mortgagee in possession."

Addition to section 7, Act XIII of 1900.

7. After sub-section (4) to section 7 of the said Act, the following sub-section shall be inserted, namely:—

"(5) if a mortgagor who has applied to the Deputy Commissioner under sub-section (3) proves to the satisfaction of the Deputy Commissioner that he has paid the mortgage-debt or such proportion of the mortgage-debt as the Deputy Commissioner has determined to be equitable, or deposits with the Deputy Commissioner the amount of such mortgage-debt or of such proportion thereof, the redemption of the land shall be deemed to have taken place, and the Deputy Commissioner shall have power to eject the mortgagee, if in possession, and as against the mortgagee to place the mortgagor in possession."

Addition to section 9, Act XIII of 1900.

8. After sub-section (3) to section 9 of the said Act the following sub-section shall be inserted, namely:—

"(4) When a mortgagee put to his election under sub-section (2) agrees to accept in lieu of his mortgage a mortgage in form (a) or in form (b) as permitted by Section 6 for the period and for the sum of money considered by the Deputy Commissioner to be reasonable, and the mortgagor cannot be found, or fails to appear when duly served with notice to do so, or refuses or neglects to execute such mortgage, the Deputy Commissioner shall have authority to execute such mortgage on such terms as to costs as he may fix, and the mortgage so executed shall have effect as if it had been executed by the mortgagor. The Deputy Commissioner may for any reason which he deems sufficient set aside any *ex-parte* proceedings taken under this sub-section."

Addition of sections after section 21, Act XIII of 1900.

9. After section 21 of the said Act the following sections shall be added, namely:— India Act XIV of 1882.

Civil Court to send copy of decree or order to Deputy Commissioner.

"21-A. (1) Notwithstanding anything contained in the Code of Civil Procedure or in any other Act for the time being in force, every Civil Court which passes a decree or order involving (1) the permanent alienation of his land by a member of an agricultural tribe, or (2) the mortgage by a member of an agricultural tribe of his land when the mortgagee is not a member of the same tribe or of a tribe in the same group, shall send to the Deputy Commissioner a copy of such decree or order.

Action to be taken by Deputy Commissioner when decree or order passed contrary to Act.

"(2) When it appears to the Deputy Commissioner that any Civil Court has, either before or after the date when this section comes into operation, passed a decree or order contrary to any of the provisions of this Act, the Deputy Commissioner may apply for the revision of such decree or order to the Court, if any, to which an appeal would lie from such decree or order or in which an appeal could have been instituted at the time when the decree or order was passed, or in any other case to the Chief Court. And when the Court finds that such decree or order is contrary to any of the provisions of this Act it shall alter it so as to make it consistent with this Act,

Such application shall be made within two months of the date upon which the Deputy Commissioner is informed of such decree or order.

"(3) When any such appellate Court passes an order rejecting such application the Deputy Commissioner may, within two months after the date upon which he is informed of such order, apply to the Chief Court for revision thereof.

"(4) Every Civil Court which passes an order on any application made under this section shall forthwith send a copy thereof to the Deputy Commissioner.

"(5) No stamp shall be required upon such applications, and the provisions of the Code of Civil Procedure as regards appeals shall apply so far as may be to the procedure of the Court on receipt of such application. India Act XIV of 1882.

"Provided that no appearance by or on behalf of the Deputy Commissioner shall be deemed necessary for the disposal of the application."

A. B. KETTLEWELL,

Secy. to Govt., Punjab,
Legislative Department.

PUNJAB GOVERNMENT.

LEGISLATIVE DEPARTMENT.

[Second publication.]

PUNJAB ACT No. II OF 1907.

PASSED BY THE LIEUTENANT-GOVERNOR OF THE PUNJAB IN COUNCIL.

(Received the assent of His Honour the Lieutenant-Governor on the 28th February 1907, and that of His Excellency the Viceroy and Governor-General on the 13th April 1907; the Governor-General's assent was first published in the "Punjab Gazette" of the 9th May 1907.)

THE PUNJAB MOTOR VEHICLES ACT, 1907.

An Act to regulate the use of motor vehicles in the Punjab.

Preamble.

WHEREAS it is expedient to regulate the use of motor vehicles in the Punjab;

It is hereby enacted as follows:—

Short title.

1. (1) This Act may be called the Punjab Motor Vehicles Act, 1907.

Extent.

(2) It shall extend to the whole of the Punjab.

Definition.

(3) "Motor vehicles" includes all vehicles, carriages or other means of conveyance, propelled by mechanical means on ordinary roads, but does not include a vehicle drawn by a motor vehicle.

Driving without license.

2. (1) Whoever drives a motor vehicle without a license granted for the purpose under sub-section (2), or under any enactment other than this Act in force for the time being in any part of British India, or of the United Kingdom of Great Britain and Ireland, or employs to drive a motor vehicle any person who is not so licensed, may on conviction be punished with fine which may extend to fifty rupees, or in the case of a second or subsequent conviction, to one hundred rupees.

Grant of license.

(2) A license to drive a motor vehicle may be granted by the District Magistrate or by an officer authorized by him in this behalf, on payment of a fee calculated at the rate of two rupees per annum to any person over the age of eighteen years applying for it, who is not disqualified under section 8, and shall be in such form and subject to such general or special conditions as the Local Government may by rule made under this Act prescribe.

Duration and renewal of license.

3. Every license granted under this Act shall remain in force for such period not less than one or more than five years from the date on which it is granted as the District Magistrate or any officer authorized by him to grant licenses may in each case prescribe, but shall be renewable, and the same provisions shall apply to the renewal of the license as apply to the grant thereof.

Production of license.

4. The driver of a motor vehicle shall produce his license upon demand by any police officer above the rank of constable.

License not transferable.

5. The holder of a license shall not lend it to, nor allow it to be used by, any other person.

Reckless driving.

6. Whoever drives a motor vehicle recklessly or negligently, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road, and to the amount of traffic which actually is at the time, or which might reasonably be expected to be, on the road, may on conviction be punished with fine which may extend to one hundred rupees, or, in the case of a second or subsequent conviction, to two hundred rupees.

Duty to stop in case of accident.

7. (1) Where any accident occurs to any person whether on foot, on horseback, or in a vehicle or to any horse or vehicle in charge of any person, owing to the presence of a motor vehicle on the road, whoever is in charge of such motor vehicle shall stop it for a reasonable time, and, if required, give his name and address, and also the name and address of the owner of such motor vehicle.

Penalty.

(2) Any voluntary breach of sub-section (1) may on conviction be punished with fine which may extend to fifty rupees, or, in the case of a second or subsequent conviction, to one hundred rupees.

Suspension and disqualifications.

8. (1) Any Magistrate by whom any person is convicted of an offence under this Act, or of any offence in connection with the driving of a motor vehicle,

(a) where the person convicted holds a license to drive a motor vehicle

granted or renewed under this Act or granted under any enactment other than this Act in force for the time being in any part of British India, or of the United Kingdom of Great Britain and Ireland,

(*i*) may suspend such license for such time as he thinks fit, and may also declare such person disqualified for obtaining a license for such further time after the expiration thereof as he thinks fit, and

(*ii*) shall cause particulars of the conviction and of any order made under this clause to be endorsed upon such license, and shall also cause a copy of these particulars to be sent to the authority by which such license has been granted,

and

(*b*) where the person convicted does not hold such a license, may declare him disqualified from obtaining a license for such time as he thinks fit.

Production of license for endorsement.

(*2*) Any person so convicted shall, if he holds such a license, produce it for endorsement within such period as the Magistrate may direct.

Effect of order under sub-section (*1*).

(*3*) A license suspended under sub-clause (*i*) of clause (*a*) of sub-section (*1*) shall during the period of suspension be of no effect, and a person whose license is so suspended, or who is declared, under sub-clause (*i*) of clause (*a*) or under clause (*b*) of sub-section (*1*), to be disqualified for obtaining a license, shall during the period of suspension or disqualification be disqualified for obtaining a license.

Application by disqualified person.

License held by such person void.

(*4*) No person who is disqualified for obtaining a license, shall apply for, or obtain, a license, and no person whose license has been endorsed shall apply for, or obtain, a license without giving particulars of the endorsement; and any license held by a person who is so disqualified shall during the period of disqualification be of no effect.

Power of the Local Government to prohibit letting or plying for hire except under permit.

9. (*1*) The Local Government may, by notification published in the *Punjab Gazette*, prohibit, within any area, or along any road specified in such notification, the letting or plying for hire of any motor vehicle, except under a permit granted by the Local Government, or by such officer, if any, as it may appoint in this behalf, subject to such general or special conditions as the Local Government or such officer may see fit to prescribe.

(*2*) The grant of any such permit shall be at the absolute discretion of the Local Government or of such officer subject to the control of the Local Government:

Provided that the grant of a permit under sub-section (*1*) shall not in any way hinder or restrict the grant of another permit to any other person.

Power of Local Government to make rules.

10. (*1*) The Local Government may, by notification published in the *Punjab Gazette*, make rules to regulate the use of motor vehicles, and may by a like notification direct that any such rule shall apply to the whole or to any part of the Punjab.

(*2*) In particular and without prejudice to the generality of the foregoing power, the Local Government may make rules under this section containing directions as to all or any of the following matters, namely:

(*a*) the speed at which motor vehicles may be driven,

(*b*) prescribing the form of application under section 2, sub-section (*2*), and the form of license to be granted under that sub-section,

(*c*) the displaying of numbers or names on motor vehicles, and the registration thereof,

(*d*) prohibiting the driving of motor vehicles or regulating the hours within which motor vehicles may be driven on foot ways, roads, streets, or in hill stations or other places, where their use may be attended with danger to the public; or regulating the hours within which no vehicle other than a motor vehicle shall be driven, on any such foot way, road or street not vested in any municipality, or in any such hill station or other place,

(*e*) the carrying and use of a horn, bell or other instrument on motor vehicles for giving audible and sufficient warning of their approach or position,

(*f*) the carrying of lights on motor vehicles between sunset and sunrise, and the description of such lights and the position in which they should be placed,

(*g*) the stoppage of motor vehicles when required by the police for the regulation of traffic or for other reasonable purpose, and

(*h*) generally the prevention of danger or injury to persons, animals, vehicles or goods, and the prevention of obstruction to traffic.

Local authorities to post notices.

11. Every municipality, cantonment authority and district local board, within their respective areas,

(*a*) shall for the purpose of giving effect to any rule of local application made under section 10, sub-section (2), clause (*a*) or (*d*), post notices in conspicuous places on or near the foot way, road, street, or in or near the place to which such rule refers, and

and erect sign posts.

(*b*) may erect sign posts denoting dangerous corners, cross roads and precipitous places, where sign posts appear to them to be necessary.

Breach of section or rule.

12. Any breach of section 4 or 5 or sub-section (2) or sub-section (4) of section 8, or of any rule made under section 10, may on conviction be punished with fine which may extend to fifty rupees, or, in the case of a second or subsequent conviction, to one hundred rupees:

Provided that no prosecution for a breach of the provisions of section 4 shall be instituted if the driver whose license has been demanded produces the same before a Magistrate within 48 hours of the demand.

Breach of prohibition made, or condition of permit granted, under section 9.

13. Any breach of any prohibition made, or of any condition of any permit granted, under section 9, sub-section (1), may on conviction be punished with fine which may extend to two hundred and fifty rupees, or, in the case of a second or subsequent conviction, to five hundred rupees.

Offences by whom triable.

14. Offences under this Act shall be triable by any Magistrate of the first or second class within whose jurisdiction any such offence may have been committed.

Saving of liability.

15. Nothing in this Act shall affect any liability whatever, whether civil or criminal, of the driver or owner of a motor vehicle arising from any other enactment or otherwise.

Previous publication.

16. The power to make rules under section 10, and prohibition under section 9, sub-section (1), shall be subject to the condition of previous publication.

Arrest of offenders without warrant.

17. (1) Any police officer may, without an order from a Magistrate and without a warrant, arrest any person committing in his view a breach of any rule made under section 10, if the name and residence of such person be unknown to such officer and cannot be ascertained by him then and there.

(2) When any such arrest has been made, the provisions of section 57, sub-sections (2) and (3), and sections 60 to 63 of the Code of Criminal Procedure, 1898, shall apply. India Act V of 1898.

Power of Local Government to exempt certain vehicles from operation of Act.

18. Notwithstanding anything hereinbefore contained, the Local Government may by the publication of a notification exempt, either generally, or for a specified period or in any local area, any particular motor vehicles or classes of motor vehicles from the operation of all or any of the provisions of this Act, and may vary or rescind such notification.

A. B. KETTLEWELL,

Secy. to Govt., Punjab,

Legislative Department.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, THURSDAY, MAY 23, 1907.

PART V.

Acts of the Lieutenant-Governor of the Punjab in Council which have received the assent of His Excellency the Viceroy and Governor-General in Council.

PUNJAB GOVERNMENT.

LEGISLATIVE DEPARTMENT.

[Third publication.]

PUNJAB ACT NO. I OF 1907.

PASSED BY THE LIEUTENANT-GOVERNOR OF THE PUNJAB IN COUNCIL.

(Received the assent of His Honour the Lieutenant-Governor on the 28th February 1907, and that of His Excellency the Viceroy and Governor-General on the 28th March 1907; the Governor-General's assent was first published in the "Punjab Gazette" of the 9th May 1907.)

THE PUNJAB ALIENATION OF LAND AMENDMENT. ACT, 1907.

An Act to amend the Punjab Alienation of Land Act, 1900.

Preamble.

WHEREAS it is expedient to amend the Punjab Alienation of Land Act, 1900;

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Punjab Alienation of Land Amendment Act, 1907; and

(2) It shall come into force at once.

Partial repeal and amendment of section 2, Act XIII of 1900.

2. (1) Sub-section (1) of section 2 of the said Act and the provisos thereto are hereby repealed.

(2) To sub-section (3) of section 2 the following shall be added, namely:—

"(f) any right of occupancy:"

(3) For sub-section (4) of section 2 the following shall be substituted, namely:—

"(4) the expression 'permanent alienation' includes sales, exchanges, gifts, wills and grants of occupancy rights:"

Addition of new section to Act XIII of 1900.

3. After section 2 of the said Act the following is inserted, namely:—

Application of Act to sections 53 and 54, Act XVI, 1887.

"2-A. Notwithstanding anything contained in sections 53 and 54 of the Punjab Tenancy Act, 1887, when a landlord makes a claim to exercise the rights thereby conferred upon him the provisions of this Act shall apply thereto." India Act XVI of 1887.

Partial repeal and amendment of section 3, Act XIII of 1900.

4. (1) Clause (b) and the proviso to section 3, sub-section (1), of the said Act are hereby repealed.

(2) For the proviso to section 3, sub-section (2), the following shall be substituted, namely :—

"Provided that—

(1) sanction may be given after the act of alienation is otherwise completed; and

(2) sanction shall not be necessary in the case of—

(a) a sale of a right of occupancy by a tenant to his landlord, or

(b) a gift made in good faith for a religious or charitable purpose, whether *inter vivos* or by will."

Repeal.

5. The words "published with the previous sanction of the Governor General in Council" in section 4 of the said Act are hereby repealed.

Addition to section 6, Act XIII of 1900.

6. After sub-section (2) to section 6 of the said Act the following sub-section shall be inserted, namely :—

"(3) The Deputy Commissioner, if he accepts the application of a mortgagee under sub-section (1) (b), shall have power to eject the mortgagor, and as against the mortgagor to place the mortgagee in possession."

Addition to section 7, Act XIII of 1900.

7. After sub-section (4) to section 7 of the said Act, the following sub-section shall be inserted, namely :—

"(5) if a mortgagor who has applied to the Deputy Commissioner under sub-section (3) proves to the satisfaction of the Deputy Commissioner that he has paid the mortgage-debt or such proportion of the mortgage-debt as the Deputy Commissioner has determined to be equitable, or deposits with the Deputy Commissioner the amount of such mortgage-debt or of such proportion thereof, the redemption of the land shall be deemed to have taken place, and the Deputy Commissioner shall have power to eject the mortgagee, if in possession, and as against the mortgagee to place the mortgagor in possession."

Addition to section 9, Act XIII of 1900.

8. After sub-section (3) to section 9 of the said Act the following sub-section shall be inserted, namely :—

"(4) When a mortgagee put to his election under sub-section (2) agrees to accept in lieu of his mortgage a mortgage in form (a) or in form (b) as permitted by section 6 for the period and for the sum of money considered by the Deputy Commissioner to be reasonable, and the mortgagor cannot be found, or fails to appear when duly served with notice to do so, or refuses or neglects to execute such mortgage, the Deputy Commissioner shall have authority to execute such mortgage on such terms as to costs as he may fix, and the mortgage so executed shall have effect as if it had been executed by the mortgagor. The Deputy Commissioner may for any reason which he deems sufficient set aside any *ex-parte* proceedings taken under this sub-section."

Addition of sections after section 21, Act XIII of 1900. *India Act XIV of 1882.*

9. After section 21 of the said Act the following sections shall be added, namely :—

Civil Court to send copy of decree or order to Deputy Commissioner.

"21-A. (1) Notwithstanding anything contained in the Code of Civil Procedure or in any other Act for the time being in force, every Civil Court which passes a decree or order involving (1) the permanent alienation of his land by a member of an agricultural tribe, or (2) the mortgage by a member of an agricultural tribe of his land when the mortgagee is not a member of the same tribe or of a tribe in the same group, shall send to the Deputy Commissioner a copy of such decree or order.

Action to be taken by Deputy Commissioner when decree or order passed contrary to Act.

"(2) When it appears to the Deputy Commissioner that any Civil Court has, either before or after the date when this section comes into operation, passed a decree or order contrary to any of the provisions of this Act, the Deputy Commissioner may apply for the revision of such decree or order to the Court, if any, to which an appeal would lie from such decree or order or in which an appeal could have been instituted at the time when the decree or order was passed, or in any other case to the Chief Court. And when the Court finds that such decree or order is contrary to any of the provisions of this Act it shall alter it so as to make it consistent with this Act,

Such application shall be made within two months of the date upon which the Deputy Commissioner is informed of such decree or order.

"(3) When any such appellate Court passes an order rejecting such application the Deputy Commissioner may, within two months after the date upon which he is informed of such order, apply to the Chief Court for revision thereof.

"(4) Every Civil Court which passes an order on any application made under this section shall forthwith send a copy thereof to the Deputy Commissioner.

"(5) No stamp shall be required upon such applications, and the provisions of the Code of Civil Procedure as regards appeals shall apply so far as may be to the procedure of the Court on receipt of such application. India Act XIV of 1882.

"Provided that no appearance by or on behalf of the Deputy Commissioner shall be deemed necessary for the disposal of the application."

A. B. KETTLEWELL,

Secy. to Govt., Punjab,
Legislative Department.

PUNJAB GOVERNMENT.

LEGISLATIVE DEPARTMENT.

[Third publication.]

PUNJAB ACT No. II OF 1907.

PASSED BY THE LIEUTENANT-GOVERNOR OF THE PUNJAB IN COUNCIL.

(Received the assent of His Honour the Lieutenant-Governor on the 28th February 1907, *and that of His Excellency the Viceroy and Governor-General on the* 13*th April* 1907; *the Governor-General's assent was first published in the "Punjab Gazette" of the* 9*th May* 1907.)

THE PUNJAB MOTOR VEHICLES ACT, 1907.

An Act to regulate the use of motor vehicles in the Punjab.

Preamble.

WHEREAS it is expedient to regulate the use of motor vehicles in the Punjab;

It is hereby enacted as follows:—

Short title.

1. (1) This Act may be called the Punjab Motor Vehicles Act, 1907.

Extent.

(2) It shall extend to the whole of the Punjab.

Definition.

(3) "Motor vehicles" includes all vehicles, carriages or other means of conveyance, propelled by mechanical means on ordinary roads, but does not include a vehicle drawn by a motor vehicle.

Driving without license.

2. (1) Whoever drives a motor vehicle without a license granted for the purpose under sub-section (2), or under any enactment other than this Act in force for the time being in any part of British India, or of the United Kingdom of Great Britain and Ireland, or employs to drive a motor vehicle any person who is not so licensed, may on conviction be punished with fine which may extend to fifty rupees, or in the case of a second or subsequent conviction, to one hundred rupees.

Grant of license.

(2) A license to drive a motor vehicle may be granted by the District Magistrate or by an officer authorized by him in this behalf, on payment of a fee calculated at the rate of two rupees per annum to any person over the age of eighteen years applying for it, who is not disqualified under section 8, and shall be in such form and subject to such general or special conditions as the Local Government may by rule made under this Act prescribe.

Duration and renewal of license.

3. Every license granted under this Act shall remain in force for such period not less than one or more than five years from the date on which it is granted as the District Magistrate or any officer authorized by him to grant licenses may in each case prescribe, but shall be renewable, and the same provisions shall apply to the renewal of the license as apply to the grant thereof.

Production of license.

4. The driver of a motor vehicle shall produce his license upon demand by any police officer above the rank of constable.

License not transferable.

5. The holder of a license shall not lend it to, nor allow it to be used by, any other person.

Reckless driving.

6. Whoever drives a motor vehicle recklessly or negligently, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road, and to the amount of traffic which actually is at the time, or which might reasonably be expected to be, on the road, may on conviction be punished with fine which may extend to one hundred rupees, or, in the case of a second or subsequent conviction, to two hundred rupees.

Duty to stop in case of accident.

7. (1) Where any accident occurs to any person whether on foot, on horseback, or in a vehicle or to any horse or vehicle in charge of any person, owing to the presence of a motor vehicle on the road, whoever is in charge of such motor vehicle shall stop it for a reasonable time, and, if required, give his name and address, and also the name and address of the owner of such motor vehicle.

Penalty.

(2) Any voluntary breach of sub-section (1) may on conviction be punished with fine which may extend to fifty rupees, or, in the case of a second or subsequent conviction, to one hundred rupees.

Suspension and disqualifications.

8. (1) Any Magistrate by whom any person is convicted of an offence under this Act, or of any offence in connection with the driving of a motor vehicle,

(a) where the person convicted holds a license to drive a motor vehicle

granted or renewed under this Act or granted under any enactment other than this Act in force for the time being in any part of British India, or of the United Kingdom of Great Britain and Ireland,

(*i*) may suspend such license for such time as he thinks fit, and may also declare such person disqualified for obtaining a license for such further time after the expiration thereof as he thinks fit, and

(*ii*) shall cause particulars of the conviction and of any order made under this clause to be endorsed upon such license, and shall also cause a copy of these particulars to be sent to the authority by which such license has been granted,

and

(*b*) where the person convicted does not hold such a license, may declare him disqualified from obtaining a license for such time as he thinks fit.

Production of license for endorsement.

(*2*) Any person so convicted shall, if he holds such a license, produce it for endorsement within such period as the Magistrate may direct.

Effect of order under sub-section (*1*).

(*3*) A license suspended under sub-clause (*i*) of clause (*a*) of sub-section (*1*) shall during the period of suspension be of no effect, and a person whose license is so suspended, or who is declared, under sub-clause (*i*) of clause (*a*) or under clause (*b*) of sub-section (*1*), to be disqualified for obtaining a license, shall during the period of suspension or disqualification be disqualified for obtaining a license.

Application by disqualified person.

(*4*) No person who is disqualified for obtaining a license, shall apply for, or obtain, a license, and no person whose license has been endorsed shall apply for, or obtain, a license without giving particulars of the endorsement; and any license held by a person who is so disqualified shall during the period of disqualification be of no effect.

License held by such person void.

Power of the Local Government to prohibit letting or plying for hire except under permit.

9. (*1*) The Local Government may, by notification published in the *Punjab Gazette*, prohibit, within any area, or along any road specified in such notification, the letting or plying for hire of any motor vehicle, except under a permit granted by the Local Government, or by such officer, if any, as it may appoint in this behalf, subject to such general or special conditions as the Local Government or such officer may see fit to prescribe.

(*2*) The grant of any such permit shall be at the absolute discretion of the Local Government or of such officer subject to the control of the Local Government:

Provided that the grant of a permit under sub-section (*1*) shall not in any way hinder or restrict the grant of another permit to any other person.

Power of Local Government to make rules.

10. (*1*) The Local Government may, by notification published in the *Punjab Gazette*, make rules to regulate the use of motor vehicles, and may by a like notification direct that any such rule shall apply to the whole or to any part of the Punjab.

(*2*) In particular and without prejudice to the generality of the foregoing power, the Local Government may make rules under this section containing directions as to all or any of the following matters, namely:

(*a*) the speed at which motor vehicles may be driven,

(*b*) prescribing the form of application under section 2, sub-section (*2*), and the form of license to be granted under that sub-section,

(*c*) the displaying of numbers or names on motor vehicles, and the registration thereof,

(*d*) prohibiting the driving of motor vehicles or regulating the hours within which motor vehicles may be driven on foot ways, roads, streets, or in hill stations or other places, where their use may be attended with danger to the public; or regulating the hours within which no vehicle other than a motor vehicle shall be driven, on any such foot way, road or street not vested in any municipality, or in any such hill station or other place,

(*e*) the carrying and use of a horn, bell or other instrument on motor vehicles for giving audible and sufficient warning of their approach or position,

(*f*) the carrying of lights on motor vehicles between sunset and sunrise, and the description of such lights and the position in which they should be placed,

(*g*) the stoppage of motor vehicles when required by the police for the regulation of traffic or for other reasonable purpose, and

(*h*) generally the prevention of danger or injury to persons, animals, vehicles or goods, and the prevention of obstruction to traffic.

Local authorities to post notices.

11. Every municipality, cantonment authority and district local board, within their respective areas,

(*a*) shall for the purpose of giving effect to any rule of local application made under section 10, sub-section (*2*), clause (*a*) or (*d*), post notices in conspicuous places on or near the foot way, road, street, or in or near the place to which such rule refers, and

and erect sign posts.

(*b*) may erect sign posts denoting dangerous corners, cross roads and precipitous places, where sign posts appear to them to be necessary.

Breach of section or rule.

12. Any breach of section 4 or 5 or sub-section (*2*) or sub-section (*4*) of section 8, or of any rule made under section 10, may on conviction be punished with fine which may extend to fifty rupees, or, in the case of a second or subsequent conviction, to one hundred rupees:

Provided that no prosecution for a breach of the provisions of section 4 shall be instituted if the driver whose license has been demanded produces the same before a Magistrate within 48 hours of the demand.

Breach of prohibition made, or condition of permit granted, under section 9.

13. Any breach of any prohibition made, or of any condition of any permit granted, under section 9, sub-section (*1*), may on conviction be punished with fine which may extend to two hundred and fifty rupees, or, in the case of a second or subsequent conviction, to five hundred rupees.

Offences by whom triable.

14. Offences under this Act shall be triable by any Magistrate of the first or second class within whose jurisdiction any such offence may have been committed.

Saving of liability.

15. Nothing in this Act shall affect any liability whatever, whether civil or criminal, of the driver or owner of a motor vehicle arising from any other enactment or otherwise.

Previous publication.

16. The power to make rules under section 10, and prohibition under section 9, sub-section (*1*), shall be subject to the condition of previous publication.

Arrest of offenders without warrant.

17. (*1*) Any police officer may, without an order from a Magistrate and without a warrant, arrest any person committing in his view a breach of any rule made under section 10, if the name and residence of such person be unknown to such officer and cannot be ascertained by him then and there.

(*2*) When any such arrest has been made, the provisions of section 57, sub-sections (*2*) and (*3*), and sections 60 to 63 of the Code of Criminal Procedure, 1898, shall apply. India Act V of 1898.

Power of Local Government to exempt certain vehicles from operation of Act.

18. Notwithstanding anything hereinbefore contained, the Local Government may by the publication of a notification exempt, either generally, or for a specified period or in any local area, any particular motor vehicles or classes of motor vehicles from the operation of all or any of the provisions of this Act, and may vary or rescind such notification.

A. B. KETTLEWELL,

Secy. to Govt., Punjab,
Legislative Department.

Punjab Government Press, Lahore—23-5-07—864

Government Gazette Extraordinary

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, SATURDAY, MARCH 2, 1907.

HOME DEPARTMENT.

GENERAL.

NOTIFICATIONS.

The 2nd March 1907.

No. 303.—Notification.—The following notification by the Government of India, published in the *Gazette of India* dated the 2nd March 1907, is republished for general information:—

The Hon'ble Sir Charles Montgomery Rivaz, K.C.S.I., has obtained permission from His Excellency the Governor-General of India to resign from the 5th March 1907 the office of Lieutenant-Governor of the Punjab and its Dependencies. His Excellency is pleased to direct as a mark of respect due to the character and services of Sir Charles Montgomery Rivaz that all the honours and distinctions to which he is now entitled as Lieutenant-Governor of the Punjab shall be continued to him from the 5th March until the date of his embarkation for Europe.

No. 304.—Notification.—Sir Charles Montgomery Rivaz, K.C.S.I., will leave Lahore at 1 P. M. on Wednesday, the 6th March 1907.

The departure will be a public one, and all Civil Officers present at Lahore are requested to attend. The Ruling Chiefs in Lahore will be invited to be present.

An escort of the Punjab Light Horse will conduct Sir Charles Rivaz from Government House to the Railway Station. A Guard of Honour of the 1st Punjab Volunteer Rifle Corps and of the North-Western Railway Rifles will be drawn up outside the Railway Station and will present arms as His Honour arrives. A Guard of Honour of regular troops will be in attendance on the platform and will present arms as the train starts.

As the train leaves the station a salute of 15 guns will be fired.

Undress uniform will be worn by all officers entitled to wear uniform. Others will appear in morning dress.

A. B. KETTLEWELL,

Offg. Chief Secretary to Government, Punjab.

Punjab Government Press, Lahore—2-3-07—920—J. B.

Government Gazette Extraordinary

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, WEDNESDAY, MAY 15, 1907.

REPUBLICATION FROM THE "GAZETTE OF INDIA," EXTRAORDINARY, DATED MAY 11, 1907.

HOME DEPARTMENT.

NOTIFICATION.

Simla, the 11th May, 1907.

WHEREAS an emergency has arisen which makes it necessary to regulate the holding of meetings in the Provinces of Eastern Bengal and Assam and of the Punjab; Now, therefore, in exercise of the power conferred by section 23 of the Indian Councils Act, 1861, the Governor-General is pleased to make and promulgate the following Ordinance:—

ORDINANCE No. 1 OF 1907.

Short title and extent.

1. (1) This Ordinance may be called the Regulation of Meetings Ordinance, 1907.

(2) It extends to the Provinces of Eastern Bengal and Assam and of the Punjab, but shall only come into operation in such areas (hereinafter called "proclaimed areas") as the Lieutenant-Governor of each Province respectively may from time to time notify in the local official Gazette.

(3) Any notification made under sub-section (2) may in like manner from time to time be amended, added to or cancelled by the Lieutenant-Governor.

Notice to be given of certain meetings.

2. (1) No public meeting shall be held in any proclaimed area for the discussion of public or political matters unless written notice of the intention to hold such meeting and of the time and place of such meeting has been given to the District Superintendent of Police at least seven days previously.

Power of Police to take report

(2) Any officer of Police, not below the rank of an officer in charge of a police-station, may, by order in writing, depute one or more Police-officers or other persons to attend any such meeting for the purpose of causing a report to be taken of the proceedings.

Power to prohibit certain meetings.

3. The District Magistrate may at any time, by order in writing, of which public notice shall forthwith be given, prohibit any meeting in a proclaimed area if in his opinion such meeting is likely to promote sedition or disaffection or to cause a disturbance of the public tranquillity.

Penalties.

4. (1) Any person concerned in the promotion or conduct of a meeting of which due notice has not been given as required by section 2, sub-section (1), shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

(2) Any meeting which has been prohibited under section 3 shall be deemed to be an unlawful assembly within the meaning of Chapter VIII of the Indian Penal Code and of Chapter IX of the Code of Criminal Procedure, 1898.

MINTO,

Viceroy and Governor-General.

H. H. RISLEY,

Secretary to the Government of India.

HOME DEPARTMENT.

JUDICIAL.

The 13th May 1907.

No. 3 *S.—Notification.*—In exercise of the powers conferred by section 1 (2) of the Regulation of Meetings Ordinance, 1907, the Lieutenant-Governor is hereby pleased to declare that on and from the date of this notification the said Ordinance shall come into operation in the following areas, that is to say, the districts of Lahore, Siálkot, Lyallpur, Ráwalpindi, and Attock.

E. D. MACLAGAN,

Chief Secretary to Government, Punjab.

Punjab Government Press, Lahore—15-5-07—920.

The Gazette of India.

EXTRAORDINARY.

PUBLISHED BY AUTHORITY.

SIMLA, WEDNESDAY, MAY 22, 1907.

HOME DEPARTMENT.

NOTIFICATION.

ESTABLISHMENTS.

No. 649.

Simla, the 22nd May, 1907.

A TEMPORARY vacancy having occurred in the office of Lieutenant-Governor of the Punjab and its Dependencies consequent on the grant of leave for three months to the Honourable SIR DENZIL CHARLES JELF IBBETSON, K.C.S.I., the Governor General of India is pleased, under the authority vested in him by the 29th Section of the Act 21 and 22 Vict., Cap. 106, and subject to the approbation of His Majesty, to appoint the Honourable MR. THOMAS GORDON WALKER, C.S.I., Financial Commissioner, Punjab, to officiate as Lieutenant-Governor of the Punjab and its Dependencies during the absence of SIR DENZIL IBBETSON on the said leave.

The HONOURABLE MR. WALKER has this day assumed charge of the office of Lieutenant-Governor of the Punjab and its Dependencies.

H. H. RISLEY,

Secretary to the Government of India.

Printed and published for the GOVERNMENT OF INDIA *at the* GOVERNMENT CENTRAL PRINTING OFFICE, *Simla.*

Government Gazette Extraordinary

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, TUESDAY, JUNE 18, 1907.

HOME DEPARTMENT.

JUDICIAL.

The 15th June 1907.

No. 5 S.—Notification.—In exercise of the powers conferred by section 1 (2) of the Regulation of Meetings Ordinance, 1907, the Lieutenant-Governor is hereby pleased to declare that on and from the date of this notification the said Ordinance shall come into operation in the district of Amritsar.

E. D. MACLAGAN,

Chief Secretary to Government, Punjab.

Punjab Government Press, Lahore—18-6-07—920.

Government Gazette Extraordinary

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, WEDNESDAY, JULY 3, 1907.

FROM THE "GAZETTE OF INDIA" EXTRAORDINARY, DATED JULY 3, 1907.

FINANCE DEPARTMENT.

NOTIFICATION.

ACCOUNTS AND FINANCE.

PUBLIC DEBT.

No. 4155-A.

Calcutta, the 3rd July, 1907.

THREE-AND-A-HALF PER CENT. LOAN.

His Excellency the Right Honourable the Governor General in Council has resolved to borrow two hundred and fifty lakhs of rupees for the public service in the following manner:

2. Promissory Notes will be issued for the said amount in the Form annexed to this Notification, being the form of the notes of *the Three-and-a-half Per Cent. Loan of 1900-01*, of which loan the notes to be now issued will form a part. All the conditions which apply to notes of *the Three-and-a-half Per Cent. Loan of 1900-01* will apply to the notes to be now issued. The interest on the notes of that loan is payable half-yearly on the 30th day of June and the 31st day of December; and the notes are not liable to discharge before the 31st day of December 1920.

Tenders.

3. Tenders for the whole or any part of the said amount of Rs. 2,50,00,000 will be received by the Comptroller General from this date to noon, standard time,* of Wednesday, the 17th July, 1907. Tenders must be for sums of 100 Rupees or multiples of that sum.

4. Each tender must be addressed, in the form annexed to this Notification, to the Comptroller General, Calcutta, and enclosed in a closed cover, superscribed "*Tender for the Three-and-a-half Per Cent. Loan.*" If the tenderer is not resident in India, he must name an agent resident in India to whom an allotment-certificate may be issued, if any part of the loan is allotted to such tenderer.

NOTE (1).—Tenders made in accordance with these instructions will also be received by the Accountants General at Madras, Bombay, Allahabad, Lahore, and Rangoon on account of the Comptroller General, Calcutta, on the 16th July, and up to noon, standard time,* on the 17th July; provided that—

(a) they are delivered personally or by clerk or messenger at the Accountant General's Office (where a receipt will be given for them);

(b) they are made on printed forms, to be obtained at the same office or at the local Presidency Bank;

(c) each tender is for not less than Rs. 10,000;

(d) the deposit is either a Promissory Note or a Treasury Receipt from the local office of the Presidency Bank, or a cheque on a local Bank in favour of the Accountant General;

(e) the amount of the tender is made payable at the place of tender (Madras, Bombay, Allahabad, Lahore or Rangoon) as the case may be, or in Calcutta;

and the Accountant General will return deposits on non-accepted tenders and will issue allotment-certificates so far as the tenders are payable in Madras, Bombay, Allahabad, Lahore or Rangoon.]

* Noon, standard time, corresponds to 12-24 P. M., Calcutta time.

5. The rate at which each tender is made must be specified in rupees or rupees and annas: a tender in which no rate is thus specified, but a subscription is offered in some other terms—as, for example, at the recorded minimum, or at some specified percentage in addition to the recorded minimum, or at the average of the accepted tenders—will be rejected as null and void.

6. The rate at which a tender is made must not contain a fraction of an anna: if a rate containing a fraction of an anna is inserted in any tender, such fraction will be struck out and the tender treated as if the rate did not contain such fraction of an anna.

Deposits.

7. Each tender must be accompanied by a deposit of not less than one-hundredth or, if the tender be for less than Five Lakhs of Rupees, then for not less than one-fiftieth part of the tender. The deposit must be in one of the following forms: (*a*) a receipt for the amount from the Head Office of the Bank of Bengal, or Madras, or Bombay, or one of their Branches, or from an officer in charge of some Public Treasury, or (*b*) a cheque drawn in favour of the Comptroller General on a Bank in Calcutta, Madras, Bombay, Allahabad, Lahore or Rangoon, or (*c*) Government Promissory Notes[1] standing in the name of, or endorsed to, the tenderer or the person making the deposit.

[1] *It is particularly requested that such Promissory Notes may NOT be endorsed to the Comptroller General.*

8. (*a*) Deposits, not being Promissory Notes, will, in the case of accepted tenders, be credited proportionately in part payment of the allotment-certificates issued in respect of the tender, and will bear interest for the purpose of clause 16 below from the date of the opening of tenders. When a tender is not accepted in full, the deposits, when they are not in the form of Promissory Notes, will be credited as far as possible proportionately in part payment of the allotment-certificates issued in respect of it. If any allotment-certificate is not fully taken up, the deposit credited in respect of it will be forfeited.

(*b*) Promissory Notes deposited in respect of any accepted tender will be held until all the allotment-certificates issued in respect of the tender are paid up, and will, if the allotment-certificates are not fully taken up, be appropriated by the Government and cancelled.

Opening of Tenders.

9. The minimum rate at which tenders will be accepted will be recorded under the signature of the Comptroller General, and, before the tenders are opened, placed upon the table in a sealed envelope, but will not be declared unless some tender is rejected only because it is below the recorded minimum.

10. Tenders will be opened publicly by the Comptroller General at the Treasury Buildings, Calcutta, at noon, standard time,* on Wednesday, the 17th July next, and those received under the terms of note (1) to clause 4 will be similarly opened by the Accountants General at Madras, Bombay, Allahabad, Lahore, and Rangoon, at noon, standard time, on the same day; but the contents of the tenders will not be disclosed otherwise than as provided in clause 12.

11. Tenders at rates not below the minimum rate will be accepted in the order of the rates tendered, beginning with the highest rate. The amount allotted at the lowest rate at which tenders are accepted will be divided amongst those who have tendered at this rate in proportion, as nearly as may be found convenient, to the amounts of their tenders; provided that no allotment will be issued if the amount distributable on any tender is less than Rs. 100: preference will however be given to small tenders, not exceeding Rs. 2,000, at the lowest accepted rate, such tenders receiving allotments in full as far as possible.

Allotment-Certificates.

12. To each tenderer (or to his agent) whose tender is accepted in whole or in part, such number of allotment-certificates as may be necessary to make up the aggregate amount allotted to him will be issued by the Comptroller General[1] as soon as possible after the 17th July, and an alphabetical list of the names of those to whom such allotment-certificates are issued will be posted for general information at the Head Offices of the Banks of Bengal, Madras and Bombay, and at the Branch Offices of the Bank of Bengal at Allahabad, Lahore and Rangoon.

[1] For tenders received by the Accountant General at Madras, Bombay, Allahabad, Lahore or Rangoon, and payable at those places, the Accountant General will issue the allotment-certificates.

13. If the allotment made on any tender is less than Rs. 3,000, then the whole of the allotment-certificates [after credit of the deposit under clause 8 (*a*)] will be made payable upon the 14th August.

* Noon, standard time, corresponds to 12-24 P. M., Calcutta time.

Otherwise the whole amount of each allotment will be divided into three instalments as follows:—

Instalment I.—As near as convenient to 35 per cent., but not exceeding 35 per cent., payable upon the 31st July :

Instalment II.—As near as convenient to 35 cent., but not exceeding 35 per cent., payable upon the 14th August :

Instalment III.—The balance payable upon the 10th September :

and allotment-certificates will be issued for each instalment separately.

But the whole or any part of any accepted tender may be paid at any time after receipt of the allotment-certificates.

The words "as near as convenient" refer to the necessity for making each instalment an exact multiple of Rs. 100.

14. Any allotment-certificates will, on application to the Comptroller General, be exchanged for an equivalent amount of allotment-certificates of smaller denominations; provided that if any payment (beyond the deposit) is recorded upon the cancelled certificate, it can be taken against, and recorded upon, only one of the certificates issued in exchange.

15. Payment of any allotment-certificate may be made to the account of the Government in the Head Office of the Bank of Bengal, or Madras, or Bombay, or in any Branch of these Banks, or into any Public Treasury or Treasuries in India which may be named in the tender in respect of which it was issued. Receipts for such payments will be given by the Banks of Bengal, Madras, and Bombay, or their Branches, or by the officers in charge of the Government Treasuries at which payment is made, by enfacement upon the relative certificate.

Issue of Promissory Notes.

16. (*a*) When any allotment-certificate is fully paid up, the holder will, on presenting it duly receipted at the place where it was paid, obtain from the Public Debt Office, Calcutta, Promissory Notes of such values as he may desire (each note being in even hundreds and not less than Rs. 100) bearing interest from 31st December 1907, and he will also receive interest at 3½ per cent. per annum from the dates on which he may have made payment till the 30th December 1907.

(*b*) Or he may, at his option, by paying interest at the said rate from 30th June 1907 to the dates on which he may have made payment, obtain Promissory Notes as above, bearing interest from 30th June 1907.

FORM OF PROMISSORY NOTE (see Clause 2).

Fort William, the .

Promissory Note *Government Rupees* *at 3½ per cent.*

No. *of 1900-01.*

The Governor General of India in Council does hereby acknowledge to have received from

the sum of Government Rupees One Hundred only as a loan to the Secretary of State in Council for India, and does hereby promise, for and on behalf of the said Secretary of State in Council, to repay the said loan by paying the said sum of Government Rupees One Hundred only to the said
, his Executors, or Administrators, or his or their Order, on demand, at the General Treasury, at Fort William, after the expiration of Three Months' Notice of Payment, to be given by the Governor General of India in Council, in the *Government Gazette*, and to pay the interest accruing on the said sum of Government Rupees One Hundred only from the
at the rate of three-and-a-half per cent. per annum, by half-yearly payments, at the General Treasury, at Fort William, to the said
, his Executors, or Administrators, or his or their Order, until the expiration of three months after such notice of payment as aforesaid, when the amount of interest due will be payable with the principal, and (such notice being considered as equivalent to a tender of payment at the period appointed for the discharge of this Note) all further interest shall cease.

The Governor General in Council hereby further engages that Notice of Payment as aforesaid shall not be given before the Thirtieth day of September 1920, and that this Note shall not be discharged before the Thirty-first day of December 1920.

FORM OF TENDER (see Clause 4).

I, *A. B.*, hereby tender for Rupees (X) of *the Three-and-a-half Per Cent. Loan* advertised in the Notification published in the *Gazette of India, Extraordinary*, dated the 3rd July, 1907, and agree to pay for the same, subject to the conditions notified, at the rate of Rupees (Y) Annas (Z) for every hundred rupees allotted to me.

I enclose a *deposit receipt** for Rupees (XX), and engage, if my offer be accepted, to pay to the account of the Government at the *Bank of* † *or at the* † *Branch of the Bank of* † ; *or into the Public Treasury at* † ; *as the case may be—*

* Or Cheque or Government Promissory Note.

† Here enter the name of Bank, Branch Bank, or Treasury.

The first instalment, as near as convenient to 35 per cent., but not exceeding 35 per cent., on or before the 31st July:

The second instalment, as near as convenient to 35 per cent., but not exceeding 35 per cent., on or before the 14th August:

The balance on or before the 10th September:

Or, if the amount allotted to me be less than Rs. 3,000, then the whole amount on or before the 14th August:

Any allotment made to me may be communicated to *C. D.* at ‡

‡ Here insert *C. D's* address which must be in India. This paragraph should only be inserted if *A. B.* does not reside in India, or, if residing in India, he wishes the allotment communicated to an agent, or desires to pay the instalments elsewhere than at the place where the tender is submitted, and wishes the allotment-certificates to be given to an agent at that place.

NOTE.—(1) *A separate tender must be made at each rate tendered. The rate tendered should be the whole amount per centum, not the premium or discount: thus "One hundred and two" or "One hundred" or "Ninety-nine," not "Two per cent. premium" or "Par" or "One per cent. discount".*

By order of the Governor General in Council,

J. S. MESTON,

Secretary to the Government of India.

NOTIFICATION BY THE COMPTROLLER GENERAL.

The Comptroller General requests the attention of tenderers to the following arrangements:

Filling up tenders.

(1) They are requested to use only the printed forms of tender, which will be available at his Office and at the Currency Office on application to the Darwan on duty, at all the Provincial Account Offices, and at the Banks of Bengal, Madras, and Bombay, and will also be supplied to the Principal Treasuries.

(2) If the deposit is in the form of Promissory Notes or of Currency Notes, their number should be quoted in detail in the tender.

Presentation of tenders.

(3) For all tenders presented to him in his office upon the last fixed day, or the two days preceding it, he will give the bearer a receipt bearing a number and initialled by himself or an assistant specially deputed for the purpose. The Accountants General at Madras, Bombay, Allahabad, Lahore, and Rangoon will do likewise in respect of tenders presented to them under Note (1) to clause 4 of the Government Notification.

Return of Deposit in case of Non-acceptance.

(4) The reverse of this receipt is a form in which, in the event of the tender not being accepted, the tenderer may give to the Comptroller General or Accountant General a receipt for the deposit accompanying it. This form should, on the third day after the opening of the tenders, be filled up, signed with the same signature as the tender, and be presented at the Office of the Comptroller General or Accountant General. The deposit will then be returned to the bearer in exchange for the receipt.

(5) Deposits upon tenders presented personally, as described in No. (3) above, will be returned only in this way, and will not be sent by post or otherwise. Deposits upon other unsuccessful tenders will be returned by post or by the hands of a clerk.

Accepted Tenders.

(6) The Comptroller General and the Accountant General at Madras, Bombay, Allahabad, Lahore or Rangoon (in the case of tenders received by such Accountant General and payable in Madras, Bombay, Allahabad, Lahore or Rangoon), will issue allotment-certificates to successful tenderers. These certificates will be for the following amounts:—Rs. 100, Rs. 300, Rs. 500, Rs. 1,000, Rs. 2,000, Rs. 5,000, Rs. 10,000, Rs. 20,000, Rs. 30,000, Rs. 35,000, Rs. 50,000, Rs. 75,000, Rs. 1,00,000, making up the full value accepted and the deposit on the tender will be divided among them; they will be substantially of the following form:

This is to certify that, in accordance with the terms of Notification No. 4155-A., dated the 3rd July, 1907 (Gazette of India, Extraordinary, *dated the 3rd July, 1907*), *the above named tenderer has engaged to take up Rs. 2,000 of the 3½ Per Cent. Loan of 1900-01 at the rate above mentioned on or before ; and that on the said payment being completed, he is entitled on endorsing and delivering up this certificate to receive a Promissory Note or Notes of the Government of India for Rs. 2,000 bearing interest from*

CALCUTTA;

The 3rd July, 1907.

O. T. BARROW,

Comptroller and Auditor General.

Punjab Government Press, Lahore—3-7-07—920.